

EXHIBIT 12

Page 1

2/13/2023 - Young America's v Stenger - Lacey Kestecher

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF NEW YORK

YOUNG AMERICA'S FOUNDATION, BINGHAMTON UNIVERSITY COLLEGE
REPUBLICANS and JON LIZAK, President of the College
Republicans of Binghamton University,

Plaintiff,

v
Index #: 20-CV-822 (LEK/ML)

HARVEY STENGER, President of SUNY Binghamton,
in his Official and Individual Capacities; BRIAN ROSE,
V.P. for Student Affairs of SUNY Binghamton, in his
Official and Individual Capacities; JOHN PELLETIER, Chief
of SUNY Binghamton U.P.D., in his Official and Individual
Capacities, COLLEGE PROGRESSIVES, A Student Organization
at SUNY Binghamton; PROGRESSIVE LEADERS OF TOMORROW
"PLOT", Student Association of Binghamton University

Defendants.

_____X

DEPOSITION OF: LACEY KESTECHEER

DATE: February 13, 2023

TIME: 11:03 a.m. to 4:13 p.m.

VENUE: Webex

Reported by Annette Lainson

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2 APPEARANCES:

3 FOR THE PLAINTIFFS:

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8

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18 UNIVERSITY:

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23

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2 I N D E X O F P R O C E E D I N G S

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5 Cross Examination by Mr. Saitta 198

6

7

8 R E Q U E S T L I S T

9 . Mr. Moore requests copies of all texts RE: 61

10 Tabling of events between Ms. Kestecher and any
11 members of the College Republican

12 . Mr. Moore requests copies of all texts RE: 62

13 Dr. Laffer event between Ms. Kestecher and any
14 members of the College Republican

15 . Mr. Moore requests that those texts provided 62
16 be entered in the record

17 . Mr. Moore requests copies of texts, emails, 87
18 social media, and any messages between Ms. Kestecher
19 and Taylor, RE: 11/14/2019 tabling

20 . Mr. Moore requests a copy of the statement 114
21 made by Ms. Kestecher on the police report

22 . Mr. Moore requests copies of any emails 167
23 between Ms. Kestecher and the Defendants

24 . Mr. Moore requests authorization from Ms. 167

25

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2 Kestecher to access her email account for

3 Binghamton.edu

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2 STIPULATIONS

3 It is HEREBY STIPULATED by and among the attorneys
4 for the respective parties, in accordance with the Federal
5 Rules of Civil Procedure, that this deposition may be
6 taken by the Defendant at this time, pursuant to subpoena;

7 FURTHER STIPULATED, that all objections except as to
8 the form of the questions and responsiveness of the
9 answers, be reserved until trial;

10 FURTHER STIPULATED, that the witness may read and
11 sign the deposition and make any corrections to same
12 before any Notary Public;

13 AND FURTHER STIPULATED, that if the original
14 deposition has not been duly signed by the witness and
15 returned to the attorney taking the deposition by the time
16 of trial or any hearing in this cause, a certified copy of
17 the deposition may be used as though it were the original.

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2 (The deposition commenced at 11:03
3 a.m.)

4 THE REPORTER: We are on the record.
5 Before I swear in the witnesses -- the witness, if I
6 could get the attorneys to note their appearance for
7 the record, please?

8 MR. MOORE: I'm John Moore from the
9 New York State Attorney General's office, and also
10 present from our office is Amanda Kuryluk. We
11 represent the Defendants, Stenger, Rose, and
12 Pelletier.

13 MR. SAITTA: Tom Saitta with the law
14 firm, Aswad & Ingraham, representing the Student
15 Association.

16 MR. MILLER: Stephen Miller from King
17 & Spalding, representing the Plaintiffs.

18 THE REPORTER: And Mr. Johnson, does
19 anybody know?

20 MR. MOORE: He is a representative of
21 S.A. I believe in this hearing and observational
22 capacity, but I'll let -- have Tom correct me if
23 that's not the case.

24 MR. SAITTA: Oh, that's correct.

25 THE REPORTER: Okay. All right.

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2 Thank you. If I could get the witness to unmute

3 herself and raise her right hand. Do you swear or

4 affirm that the testimony you're going to give is the

5 truth, the whole truth and nothing but the truth?

6 MS. KESTECHER: Yes.

7 WITNESS; LACEY KESTECHER; Sworn

8 THE REPORTER: Okay. You can put your

9 hand down. Can you please state and spell your full

10 name for the record, please?

11 THE WITNESS: Lacey Kestecher. Lacey,

12 L-A-C-E-Y Kestecher, K-E-S-T-E-C-H-E-R.

13 THE REPORTER: Thank you. The witness

14 has been sworn.

15 MR. MOORE: Thank you.

16 DIRECT EXAMINATION

17 BY MR. MOORE:

18 Q. Good morning, Ms. Kestecher,

19 thank you for your time here today. First question.

20 Can you hear me okay?

21 A. I hear you all good.

22 Q. Sometimes I move around. And if

23 you can't hear me during any point during

24 questioning, please yell at me and I'll turn more

25 towards the computer and make sure that -- I want to

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2 make sure you can hear all my questions, okay? And
3 I'll -- I'll do the same for you, okay?

4 Have you ever been involved in a
5 deposition before today?

6 A. No, this is my first.

7 Q. Okay. I'll explain to the rules
8 to you in a second. First, we're here for a
9 deposition in the matter of Young America's
10 Foundation et al versus Sten -- Stenger et al. I
11 represent the state defendants in this matter,
12 Stenger, Rose, and Pelletier.

13 And this is a lawsuit in the Northern
14 District of New York. Its C.V. number is twenty C.V.
15 eight two two. And are there -- is there any reason
16 you can't testify today honestly, any questions I'm
17 asking you?

18 A. No.

19 Q. Okay. Are you on any medications
20 at the present time?

21 A. No.

22 Q. Let's go through the deposition
23 rules. I saw in the beginning of one of my
24 questions, you started shaking your head. All of our
25 answers need to be verbal. So although I can see you

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2 if you nod or shake your head. If you could please
3 make them verbal, yes or no for example, rather than
4 uh-huh or something that the stenographer would have
5 a problem transcribing.

6 Secondly, if you don't understand any
7 of my questions, please let me know before you answer
8 it, and I will rephrase it, so you can understand it.
9 If, at some point, you want to take a break, please
10 just let me know.

11 The only thing I'll ask is that you
12 answer whatever the pending question is, and then
13 we'll take whatever break is necessary. Finally, I
14 can't speak for your attorney, but I don't want you
15 to guess. So what I'm looking for here today is --
16 is something you have knowledge regarding.

17 So if you don't know something or you
18 don't remember something, that's okay to tell me,
19 okay?

20 A. Understandable.

21 Q. Okay. First question. I sent a
22 number of exhibits to your attorneys late last week.
23 Did you -- were you provided copies of those
24 exhibits?

25 A. Yes, I have the copies.

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2 Q. You have physical copies with you
3 here today?

4 A. Not, physical, but yes, so.

5 Q. Okay. I'm asking this because
6 we're going to need to access some of these exhibits
7 during the deposition. So if you have a way to view
8 them on your computer, let me know. If you don't, I
9 can have our stenographer put them on the screen.

10 I'm trying to establish this now at
11 the beginning of the deposition.

12 MR. MILLER: John, would you be able
13 to either view or haven't had -- share those on the
14 screen?

15 MR. MOORE: Yeah, of course. That's
16 why I'm trying to find out what the situation is now.

17 MR. MILLER: Yeah.

18 MR. MOORE: Because obviously, if she
19 has physical copies, I can ask her to just turn to
20 it. If she doesn't, then I can do it this way. So -
21 -

22 MR. MILLER: Okay. I think -- I think
23 that would be easier.

24 MR. MOORE: I am going to go to the
25 exhibits. If you can -- I'll tell you right now that

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2 the first exhibit we're going to be putting on the
3 screen is Defendant's Exhibit One which is the
4 Complainant's demand. And I'm going to be returning
5 to that throughout the deposition.

6 BY MR. MOORE: (Cont'g.)

7 Q. Okay. Ms. Kestecher, have you
8 ever gone by any other names?

9 A. No.

10 Q. And what's your date of birth?

11 A. [REDACTED].

12 Q. What is your current address?

13 A. I live in California. Give me
14 one second. You need the whole?

15 Q. Sure.

16 A. Give me a second. Sorry, I don't
17 have my zip code memorized. Nonetheless, it's my
18 first name and then [REDACTED]. Do you need me
19 spell that out?

20 Q. H-A-M-P --

21 A. [REDACTED],
22 [REDACTED].

23 Q. How long have you lived there?

24 A. August.

25 Q. August of 2022 is when you moved

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2 there?

3 A. Yes.

4 Q. And who do you live with there?

5 A. Myself.

6 Q. And in November of 2019, what was
7 your address?

8 A. I was living at Binghamton at the
9 time. So I was living on the campus.

10 Q. Okay. So you lived at Binghamton
11 University Campus?

12 A. Yes.

13 Q. Between November 2019 and today,
14 have you lived at any other addresses other than the
15 Binghamton University Campus and your current in
16 Westlake Village, California?

17 A. I lived at home, New Jersey. So
18 I was living there throughout the duration of the
19 pandemic. And then at my university, Pepperdine and
20 now I live within driving distance of Pepperdine,
21 too.

22 Q. What's the address in New Jersey
23 you lived at?

24 A. [REDACTED], that's one word,
25 [REDACTED].

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2 Q. And that's your parent's house, I
3 assume?

4 A. Yes.

5 Q. We've marked an exhibit as
6 previously at an earlier deposition, Defendant's
7 Exhibit One, which is the Complainant's demand. I
8 know you've been provided a copy. I would ask that
9 our stenographer put the first page up on the screen.

10 Ms. Kestecher, do you recognize this
11 document?

12 A. Yes.

13 Q. And what is it if you know?

14 A. Is this not the -- the lawsuit
15 itself or whatever is being deposed there.

16 Q. Okay. Well, this is a -- the
17 title says, verified complaint for injunctive and
18 declaratory relief, monetary and punitive damages and
19 attorney's fees and costs. You see that?

20 A. Yes.

21 Q. And it's -- the Plaintiffs are
22 Young America's Foundation, Binghamton University
23 College Republicans and Jon Lizak and the Defendants
24 are Harvey Stenger, Brian Rose, John Pelletier,
25 College Progressives, Progressive Leaders of

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2 Tomorrow. And I see the word, PLOT after that and
3 Student Association of Binghamton University.

4 Would you agree with me?

5 A. Yes.

6 Q. And this is the verified
7 complaint in this lawsuit, correct?

8 A. Yes.

9 Q. And have you ever reviewed this
10 verified complaint before today? Have you ever read
11 it?

12 A. I've gone through it briefly. I
13 haven't read it in depth though per se.

14 Q. When did you first review it?

15 A. I don't recall. It was a few
16 years ago whenever it came out.

17 Q. And before it was -- before it
18 was filed if you know?

19 A. I -- I don't recall when I viewed
20 it. I just saw them. Somebody sent it to me. I
21 think a friend texted it over. So that was that.

22 Q. Who sent it to you?

23 A. I don't remember. Somebody just
24 sent me it as, I think an organization -- or a non-
25 organization. It was just in an article or whatever

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2 else, somebody sent me the article attached as a
3 P.D.F. to the article direct link, hyperlink.

4 Q. Okay. Got you. So after it was
5 filed, someone sent you a copy. And then you looked
6 at it online. Is that a fair statement?

7 A. Yes, it was just a hyperlink from
8 another article and it was all public. So I don't
9 even remember when I saw it.

10 Q. Understood. So if you haven't
11 read the entire thing, you don't know whether the
12 allegations therein are all accurate or not?

13 MR. MILLER: Objection. Calls for
14 speculation.

15 BY MR. MOORE: (Cont'g.)

16 Q. If you don't understand my
17 question, I can re -- rephrase it. You can answer.

18 A. Restate that question.

19 Q. Sure. You haven't read the
20 complaint, correct?

21 A. I've gone through it briefly.

22 Q. Do you know whether all of the
23 allegations therein are accurate?

24 MR. MILLER: Same objection.

25 MR. MOORE: You can answer.

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2 THE WITNESS: Can you rephrase that

3 one more time?

4 BY MR. MOORE: (Cont'g.)

5 Q. Do you know if the allegations in

6 the verified complaint we've marked as Exhibit One

7 are all accurate?

8 MR. MILLER: You can answer the

9 question, Lacey.

10 THE WITNESS: I don't -- I don't know.

11 BY MR. MOORE: (Cont'g.)

12 Q. Is it fair to say that the

13 allegations in your comp -- in this complaint,

14 complaint of incidents that occurred in November of

15 2019. Is that accurate?

16 A. Yes. Yes, it's accurate.

17 Q. And in November 2019, you were a

18 student at Binghamton University?

19 A. Yes, I was.

20 Q. And were you employed by anybody

21 at the time?

22 A. No, not at the time. Just a

23 student.

24 Q. I didn't ask you this. Are you

25 currently employed?

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2 A. Part time I am, but I'm also a
3 student, so.

4 Q. Understood. And we'll go through
5 your educational history in a moment. But where are
6 you currently employed?

7 A. At my University. So Pepperdine
8 University, School of Public Policy.

9 Q. That's where you go to school.
10 I'm asking where you're employed. You said you had a
11 part time job.

12 A. Yes, I worked -- I worked there
13 as well.

14 Q. Oh, you work at the University?
15 Got you. Okay.

16 A. Yes.

17 Q. Between November of 2019 and
18 today, have you been employed anywhere else?

19 A. Part-time internships or excuse
20 me, full-time internships. So just few different
21 places over the summers.

22 Q. Internships?

23 A. Uh-huh, yes.

24 Q. Between November of 2019 and
25 today, what internships have you participated in?

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2 A. For summer. So summer of 2020.

3 That is with the Leadership Institute. Summer of

4 2021, I was with The Daily Caller. Some -- this past

5 summer, I was with the Manhattan Institute. So I

6 interned at each of those organizations.

7 Q. What is the Leadership Institute?

8 A. It is a conservative nonprofit

9 that seeks to promote liberty, freedom, conservative
10 values.

11 Q. Okay. What did you do there?

12 A. I was a journalist. So I work
13 within a department just writing and producing
14 articles.

15 Q. For -- was that for a particular
16 publication?

17 A. Yes, it was with the Leadership
18 Institute's Campus reform.

19 Q. Campus reform, is that a magazine
20 or some sort of publication?

21 A. It's the leadership institute.
22 That's a project by the organization. So that's
23 their outlet.

24 Q. Outline journal? I'm trying to
25 find out what it is. What are you -- were you a

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2 journalist in?

3 A. I wrote in regards to campus
4 incidents that went on a university's report on that.

5 Q. Okay. Did you write anything
6 about the campus incidents which are the subject
7 matter of this lawsuit?

8 A. I don't believe so, no.

9 Q. All right. And you were there
10 just during the summer of 2020?

11 A. Yes, just that summer.

12 Q. Were you at a physical job or was
13 that something you were doing from your parents at
14 New Jersey?

15 A. Fully remote from my home, New
16 Jersey.

17 Q. In the summer of 2021, you work
18 for something called the Daily Caller?

19 A. Yes.

20 Q. What is the Daily Caller?

21 A. Also, a news outlet reports on
22 any and all news, political reporting for the most
23 part. So I worked from there.

24 Q. A website?

25 A. Yes, there's a website.

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2 Q. And what did you do for them?

3 A. I wrote as well, wrote some
4 articles for them and just some technological aspects
5 of maintaining a website.

6 Q. Was that a physical in-person
7 position or did you do that remotely as well?

8 A. That was also remote.

9 Q. Were you paid by them or was it
10 for a school grant or something else?

11 A. I don't recall getting paid. I
12 was just doing that for experience.

13 Q. And was that just during the
14 summer of 2021?

15 A. Yes, just that summer.

16 Q. The third thing you mentioned was
17 the Manhattan Institute.

18 A. Yes.

19 Q. What is the Manhattan Institute?

20 A. It is a think tank in New York
21 City that focuses on free markets, individual
22 freedom, and promoting American values.

23 Q. When you say it's a think tank,
24 what -- what you do for them as part of your
25 internship?

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2 A. A researcher. So I'd just
3 research economic policy, public safety, education
4 policy, whatever was -- the assignments were given my
5 way.

6 Q. Was that a physical in-person
7 position or were you operating remotely?

8 A. Hybrid. Hybrid position.

9 Q. Were you paid for that position?

10 A. Sorry, what was that?

11 Q. Were you paid at all for that
12 position?

13 A. Yes.

14 Q. Were you a student at Binghamton
15 University during fall 2019?

16 A. Yes.

17 Q. And you're currently a student at
18 Pepperdine?

19 A. I am.

20 Q. And what year -- are you still an
21 undergrad or you're graduate student?

22 A. I graduated from Binghamton in
23 May of 2021. So -- I'm now at --

24 Q. Is that '21 your two-year degree?

25 A. I finished my undergraduate in

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2 two years at Binghamton University. So I'm now in a
3 master's program.

4 Q. How long have you been at
5 Pepperdine?

6 A. Since August of 2021.

7 Q. Let's talk about your educational
8 history starting with Binghamton University. Is that
9 the first college you attended?

10 A. Yes.

11 Q. When did you start at B.U.?

12 A. August of 2019.

13 Q. So the events that are alleged in
14 the complaint concern events that occurred during the
15 fall semester of 2019, correct?

16 A. Yes.

17 Q. And you were a freshman at B.U.
18 at the time?

19 A. I was.

20 Q. And you graduated in May of 2021,
21 right?

22 A. Uh-huh, yes.

23 Q. Okay. And what was your G.P.A.
24 every year?

25 A. Three point --

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2 MR. MILLER: Objection. Objection,

3 relevance. You can answer.

4 THE WITNESS: Three point nine.

5 BY MR. MOORE: (Cont'g.)

6 Q. And what was your -- what degree
7 did you receive from the university?

8 A. It was an undergraduate degree.
9 So Bachelor of Science in Business Administration
10 with a concentration in finance.

11 Q. So concentrating on fall 2019,
12 were you a member of any student groups of B.U.
13 during fall 2019?

14 A. I was a part of our College
15 Republicans, Binghamton Review, and bit of College
16 Libertarians, our newly forming Turning Point U.S.A.,
17 and that was that.

18 Q. Okay. Let's start with College
19 Republicans. What date did you join that
20 organization?

21 A. I can't recall. I think sometime
22 in September.

23 Q. And what is the purpose or
24 function of the College Republicans as a student
25 group in your understanding?

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2 A. From my understanding, it's to
3 promote first off, the ideals of America that are
4 represented by the Republican Party itself, that
5 being individual freedom, liberty, and also a
6 conservative viewpoint that comes along with that.

7 Q. Okay. And did you hold any
8 offices in the College Republicans in fall 2019?

9 A. Don't think so. I was -- I think
10 I was V.P. at one point. Maybe it was the following
11 semester. I don't remember. It was -- the
12 timeframe, it's -- I can't recall exactly.

13 Q. So you don't --?

14 A. In the fall -- oh, being the
15 fall, it wasn't in the -- I don't think in the next
16 semester, but in that fall, I was not in any office.

17 Q. Okay. So you did hold some
18 office in the College Republicans at some point after
19 fall 2019?

20 A. Yes, at some point later on.

21 Q. You were the V.P. at one point.
22 Is that correct? Vice president.

23 A. If I'm recalling correctly, I
24 think I was the V.P. possibly, but I might be getting
25 it confused with something else. I -- I don't

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2 remember exactly.

3 Q. Do you remember what time period
4 you held office? You said earlier the next semester?

5 A. Yes, because I think we did
6 another election. Was it December or January? It
7 might have been. I think it was January. And I
8 think I held an office at that point. Maybe it was
9 treasurer or secretary. I can't recall.

10 Q. And so January 2020, there was an
11 election or December of 2019. And you were elected
12 to some position. You just don't remember what it
13 was. Is that correct?

14 A. Yes, I'm pretty sure I was
15 elected. It's all pretty fuzzy. It's about over
16 three years now. I can't really remember what's
17 going on since then.

18 Q. The Binghamton Review, what is
19 that?

20 A. It's a publication at Binghamton
21 that generally attracts a lot of people that are
22 maybe more right leaning, conservative, libertarian,
23 anybody could write for it. It's nonpartisan, but
24 it's just another publication where you can write
25 whatever you want about anything and you publish it.

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2 Q. And what did you do at Binghamton
3 Review in fall 2019?

4 A. I was dealing with their social
5 media, and just posting articles, wrote a few
6 articles, and that's all.

7 Q. Did you write any articles about
8 the events alleged in the complaint?

9 A. No, not from what I recall.

10 Q. Did you have -- when did you join
11 the Binghamton Review?

12 A. September of 2019.

13 Q. And did you hold any offices
14 there during your time at B.U.?

15 A. Yes, I do recall that fall. I
16 was dealing with social media. Head of social media,
17 however, you would term that position to be.

18 Q. You don't remember what the name
19 for the position was?

20 A. It was social media specialist or
21 something in that realm. Something in terms of that,
22 but dealing with social media.

23 Q. You're also a member of the
24 College Libertarians, you said?

25 A. I would just go to a few

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2 meetings. So I guess to some extent I was a member,
3 but it's not like I held any office or anything.

4 Q. Okay. So is it fair to say you
5 never held an office of the College Libertarians?

6 A. Yes, I would say that.

7 Q. Do you have any involvement with
8 that group other than attending a few meetings?

9 A. Went to a few meetings, not
10 really besides that.

11 Q. Okay. You weren't involved in
12 booking space for them or anything like that?

13 A. No, I was not.

14 Q. And you finally use -- you used
15 the word T.P.U.S.A. Was is that?

16 A. Turning Point U.S.A. It's an
17 organization that looks to promote free enterprise,
18 freedom, liberty, just American values, on college
19 campuses.

20 Q. What date did you join
21 T.P.U.S.A.?

22 A. I started the organization or try
23 to at least start it in September or October, it
24 might have been, 2019.

25 Q. What -- was that a organization

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2 that was chartered by the S.A. the Student
3 Association in November 2019?

4 A. No it was not chartered and it
5 never was.

6 Q. Okay. So my question was,
7 November 2019, it was not chartered during that time
8 period?

9 A. No.

10 Q. And did you hold any office in
11 T.P.U.S.A. during the fall of 2019?

12 A. I founded it and I was the
13 president for that organization.

14 Q. Okay. How many members did it --
15 did it have?

16 A. I can't give a number on that. I
17 don't -- I don't know. I -- we were just starting it
18 up. So I don't know. I just had signatures.

19 Q. Well, how many -- more than five
20 people?

21 A. In regards to signatures?

22 Q. Membership for the T.P.U.S.A.
23 That was an organization in the fall of 2019,
24 correct?

25 A. It was being started up. So it

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2 wasn't quite formed yet, per se.

3 Q. Other than you, did it have any
4 members?

5 A. I was slowly making a team.
6 That's what you mean.

7 Q. Generally, an organization -- how
8 many members did the College Republicans have in the
9 fall 2019, if you know?

10 A. I don't know.

11 Q. More than five?

12 A. I would say more than five. We
13 had more than five there.

14 Q. More than ten?

15 A. I'd probably say so. I don't --
16 I don't know how many people are on the email list.

17 Q. Okay. You just don't know?

18 A. No, I don't know.

19 Q. But there were members of the
20 group, correct?

21 A. Is this College Republicans,
22 you're asking?

23 Q. Yes, College Republicans. Fall
24 2019, there were members from College Republicans,
25 correct?

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2 A. Yes, of course, there are

3 members. I just -- I don't know how many.

4 Q. Sure. Turning back to Turning

5 Point U.S.A., Binghamton Turning Point U.S.A., fall

6 2019. You were starting the -- the group up. Were

7 there members of the group?

8 A. There's people interested. I

9 hadn't really formed a group yet, though. I was just

10 starting to form it.

11 Q. Okay. Did you ever formed a

12 group?

13 A. Well, I never really got around

14 to doing that because of the incidents that happened,

15 so.

16 Q. What incidents that happened?

17 A. November 2019 incidents.

18 Q. What -- what did that have to do

19 with you forming Turning Point U.S.A. currently?

20 A. Well, it made the campus very

21 hostile to begin with and it was difficult to take

22 any actions going forth on that.

23 Q. Did you ever made a formal

24 attempt to charter that group with the Binghamton

25 University S.A.?

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2 A. No, I had not made any attempts
3 to charter.

4 Q. Okay. Were any of the College
5 Republican members, in fall 2019 also members of the
6 T.P.U.S.A. organization that you were trying to form,
7 or the team that you described?

8 A. Yes, I believe -- I mean, there
9 was College Republicans itself, but a lot of the
10 people would go in between, but I had it, Jon Lizak,
11 he was my V.P., was going to be my V.P. as we were
12 trying to organize it. And I don't recall who else.
13 It was -- just trying to get it started and off the
14 ground.

15 So that's like, really all I can
16 remember.

17 Q. So it was only you and Mr. Lizak?

18 A. Well, on our main team to begin
19 with, we were -- I think there was other people
20 affiliated with it, but I can't say that --.

21 Q. That's what I'm asking, who were
22 those people that were affiliated with other than you
23 and Lizak?

24 A. Primarily College Republicans at
25 the time because the view, the group held most of the

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2 similar views as the College Republicans, so.

3 Q. Okay. Well, I'll name you some
4 nicknames of the College Republicans and we talked
5 about them, can you tell me whether they're involved
6 in T.P.U.S.A.?

7 A. Yes, I can do that.

8 Q. Can you remember any of those
9 names now?

10 A. John Restuccia, he was a part of
11 that group as well. I think -- .

12 Q. And so that Mr. Restuccia
13 testified that he was not a member of T.P.U.S.A.,
14 would that be accurate or inaccurate?

15 A. Well, the group was forming at
16 the time. So it wasn't really put together, per se.

17 Q. Other than Lizak and Restuccia,
18 were there any other prospective members of
19 T.P.U.S.A. in fall 2019?

20 A. Prospective members would include
21 people and students and College Republicans, College
22 Libertarians, people from Binghamton Review.

23 Q. Okay. But you never got so far
24 as to charter the group or get any formal members.
25 Is that a fair statement?

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2 A. Yes, that'd be a fair statement.

3 Q. Okay. Let's turn to -- well,

4 we've already got the complaint up on the screen.

5 Let's go to paragraph twelve of the complaint, which

6 is page four of seventy-five. I'll ask that would be

7 put on the screen. There it is. I'll read this into

8 the record, ma'am.

9 Plaintiff, Binghamton University

10 College Republicans is an expressive, registered, but

11 suspended student organization at the State

12 University of New York and Binghamton, and

13 parentheses, the SUNY Binghamton. The non-

14 incorporated association of SUNY Binghamton students

15 and has approximately twenty members.

16 Did I read that correctly?

17 A. Yes, you read that correctly.

18 Q. What does the word expressive

19 mean in this paragraph if you know?

20 A. I'm not sure.

21 Q. Is it accurate that the B.U.

22 Republicans are currently suspended as a student

23 group?

24 A. At this moment, I'm not attending

25 Binghamton University right now.

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2 Q. Well, your experience, since you
3 became a member of the College Republicans, after it
4 was -- it says here. It was currently suspended.
5 Did the -- were the College Republicans ever
6 suspended during your time at SUNY Binghamton?

7 A. Yes, they were.

8 Q. Okay. We'll talk about that in
9 greater detail. At any time thereafter, did that
10 suspension cease?

11 A. I don't recall. I don't recall.

12 Q. Okay. I'll show you some
13 documents later. It says here, it has approximately
14 twenty members. Do you see that?

15 A. Yes, I can read it.

16 Q. Was that the number of members in
17 fall 2019?

18 A. I didn't deal with the logistics.
19 I wasn't an officer. So I can't say.

20 Q. The date of this is -- that this
21 document was filed is July 22nd, 2020. You see that?
22 It's at the top of the page there. Were you a member
23 of the College Republicans in July 2020?

24 A. Yes, but it was hard to do
25 anything because everything was remote at that point.

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2 It was summer, so.

3 Q. Okay. Was the organization
4 suspended in anyway in July 2020?

5 A. I don't recall. I remember it
6 being suspended after the events that transpired. I
7 don't know how long it was suspended for.

8 Q. Okay. Let's see if we can
9 refresh your recollection. Go to the bottom of the
10 page and into the top of the next page, and we're
11 still on that Exhibit One, page four -- pages four
12 and five. Paragraph thirteen and fourteen, I will
13 read into the record and then ask you some questions.

14 It reads as follows. The purpose of
15 College Republicans is to make known and promote the
16 principles of the Republican Party among members of
17 the SUNY Binghamton campus community, to aid in the
18 election of Republican candidates at all level of
19 government, to encourage and assist in the
20 organization, and active functioning of the
21 Republican Party at local, state and national levels,
22 and to develop political skills and leadership
23 abilities among the Republican students as
24 preparation for future service by their, to the
25 Republican Party and community.

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2 Paragraph fourteen. College

3 Republicans achieves this purpose primarily by being
4 an expressive organization and engages in a wide
5 variety of expressive activities, including posting
6 flyers and signs, hosting tables with information,
7 inviting speakers to campus, and talking with fellow
8 students about the Republican Party principles.

9 Did I read that correctly, ma'am?

10 A. Yes, you did.

11 Q. Okay. Paragraph fourteen talks
12 about -- well, let me ask this. From the time you
13 joined the B.U. Republicans in September of 2019 up
14 to and including November of 2019, had the B.U.
15 Republicans hosted or held any events on campus?

16 A. Yes, we had an event in September
17 of 2019.

18 Q. What event was there?

19 A. Was an event on socialism.

20 Q. Was that called The Case Against
21 Socialism?

22 A. Yes, that was the event.

23 Q. And where, on campus was that
24 event held?

25 A. I can't recall. It was in one of

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2 the lecture rooms.

3 Q. How many people attended?

4 A. If I recall correctly, which --
5 to the best of my memory is maybe around thirty, I
6 think it was.

7 Q. Okay. Is any paperwork or
8 records exist regarding the event such as
9 advertising, planning documents, photographs, video,
10 or any other documentation?

11 A. Presuming there's pictures that
12 maybe I took, but I don't deal with the lo -- I
13 didn't deal with the logistics on planning these
14 events.

15 Q. Who dealt with the logistics?

16 A. It was primarily the College
17 Republicans board, so.

18 Q. And you were not on board at the
19 time? Did you have any involvement in booking rooms
20 for College Republican events during fall 2019?

21 A. No, I had never been involved in
22 that.

23 Q. Would you say you had never been
24 involved in -- in that. You never were involved in
25 booking rooms, or reserving tables for College

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2 Republican events during your entire time at
3 Binghamton University. Is that a good statement?

4 A. I had never booked a room. I --
5 I didn't reserve the tables. There was other people
6 in the organization who dealt with those, whose duty
7 is, so that wasn't mine.

8 Q. Other than The Case Against
9 Socialism, were there any other events held on campus
10 during Novem -- I'm sorry, during fall 2019 hosted by
11 the College Republicans?

12 A. That's the only one I remember.
13 I was just a member of the organization. So I --
14 only what I attended is what I would remember.

15 Q. After November of 2019 until the
16 present time, or at least during your time at B.U.,
17 did the B.U. Republicans post or hold any event on
18 campus?

19 A. The best of my memory, I would --
20 I don't remember any other event occurring.

21 Q. Okay. So they might have
22 happened, they may not have happened. You just don't
23 remember as you sit here today?

24 A. I wasn't much involved after much
25 of that which happened over that time period, and it

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2 was all remote. So I don't think we had any events,
3 but --

4 Q. Well, let me ask you this. I
5 think we can all agree the pandemic began in March of
6 2020, correct?

7 A. Yes.

8 Q. And were you attending the school
9 remotely for the remainder of that semester? Spring
10 2020?

11 A. Yes, I was.

12 Q. Did you attend classes at B.U.
13 remotely in fall 2020?

14 A. Yes, that was remote.

15 Q. You graduated at the end of
16 spring 2021, correct?

17 A. Yes.

18 Q. Did you attend classes remotely
19 during spring 2021?

20 A. Yes, I remained remote that
21 entire year.

22 Q. And so you're attending the
23 university from New Jersey, your parent's home in New
24 Jersey. Is that correct?

25 A. That is correct.

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2 Q. Did you spend any time on campus
3 between March 2020 and spring 2021?

4 A. No, not after; I left the campus
5 because of that. Because of COVID, I didn't feel
6 particularly comfortable after the events that
7 transpired in the fall of 2019, so.

8 Q. Well, my question was, you were a
9 remote student following March of 2020, correct?

10 A. Yes, that's accurate.

11 Q. During January and February and
12 up to the pan -- to the time the pandemic hit in
13 March 2020, were you on campus as a student?

14 A. If you're saying in 2021?

15 Q. No, let me -- let me rephrase.

16 That was a poorly worded question. During spring
17 2020, were you a student at Binghamton University in
18 person on campus before the pandemic hit?

19 A. Yes, before the pandemic, I was
20 in person, and then we all went remote.

21 Q. And when did you go remote?

22 A. March of 2020.

23 Q. Did you have the option to return
24 to campus at any time before your graduation?

25 A. Yes, fall. So that was August of

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2 2020.

3 Q. But you chose to remain remote
4 thereafter?

5 A. Yes.

6 Q. Okay. Okay. So that -- that
7 will -- I believe that answers my questioning
8 somewhat. From the time you joined the Binghamton
9 Republicans until your graduation, were you aware of
10 the Binghamton Republicans ever posting flyers or
11 signs on campus?

12 A. Posted signs like any other
13 organization? I didn't handle that though. I didn't
14 deal with promotional tasks.

15 Q. Okay. So you weren't involved in
16 posting signs or flyering during the time you were at
17 B.U. for the College Republicans?

18 A. No, I did not deal with that.

19 Q. Okay. And still sticking with
20 the allegations in paragraph fourteen, were you
21 involved in the B.U. Republicans hosting tables with
22 information at all during your time at SUNY
23 Binghamton?

24 A. What do you mean exactly by
25 hosting tables?

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2 A. Well, paragraph fourteen, it's
3 right up there on the screen. College Republicans
4 achieve this purpose primarily by being an expressive
5 organization and engages in a wide variety of
6 expressive activities including posting flyers and
7 signs.

8 And then the next portion sentence
9 says, hosting tables with information. The question
10 for you was, during your time at B.U. had the College
11 Republicans ever hosted tables with information that
12 you were involved in?

13 A. Yes, we had tables for promoting
14 events, giving out the information on those events,
15 so.

16 Q. Okay. What's the first time you
17 were involved in a table for promoting event as
18 you're describing?

19 A. I think the first time was in
20 November of 2019 when that incident happened, but I
21 don't know if I was -- if I did anything before that.
22 I can't recall. That's the only one I remember
23 directly.

24 Q. But there was the November 14th,
25 2019 tabling event on The Spine, correct? That's the

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2 one you're referring to?

3 A. Yes, that event.

4 Q. And you were present at that?

5 A. Yes, I was.

6 Q. And have you ever been involved
7 in tabling before what we've called the November 2019
8 tabling event?

9 A. To the best of my memory, I
10 recall helping with handing out flyers and stuff. I
11 don't know if I had a table or not, but I helped with
12 promotional.

13 Q. All right. Well, earlier you had
14 said you weren't involved in promotional, but now
15 you're telling us you were involved in handing out
16 flyers at some point before November 2019?

17 A. Well, promotional is oftentimes
18 actually posting the sign or something in a hallway
19 or whatever else, that's what I'm referring to by
20 that. In this sense of the word, I'm mean, may --
21 maybe handing out flyers in a different sense of the
22 word promotional.

23 Q. And when did you hand out flyers
24 during your time at Binghamton University other than
25 the tabling event of November 14th, 2019?

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2 A. The best of my memory, I was
3 also, I think I did a little bit of that with Turning
4 Point when I was trying to get it started and collect
5 signatures. And with, I believe also The Case
6 Against Socialism. I think I might have helped out
7 there and just handing out some flyers.

8 Q. Okay. But Turning Point U.S.A.
9 is not the College Republicans, correct? That's a
10 separate -- separate groups, correct?

11 A. Yes, they're separate.

12 Q. But you were involved in handing
13 out flyers for The Case Against Socialism?

14 A. I don't recall exactly, but I
15 remember at some point handing out flyers. I don't
16 recall what for, but --

17 Q. Is that at a tabling or did you
18 do that just walking around campus on your own if
19 that's -- you understand my question.

20 A. I can't recall. I don't recall.

21 Q. Was there ever a tabling to
22 promote the Case Against Socialism event?

23 A. I don't remember.

24 Q. And other than the November 14th,
25 2019 event, do you remember any other tabling for the

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2 College Republicans that you were involved in?

3 A. I don't recall anything that I
4 was involved in.

5 Q. Okay. And were you involved in
6 any tabling events for the College Republicans after
7 the November 14th, 2019 tabling?

8 A. To the best of my memory, I don't
9 recall us even having another tabling event.

10 Q. From the time you joined the B.U.
11 Republicans in September 2019 up to and including
12 November 2019, had the B.U. Republicans invited or
13 hosted speakers on campus?

14 A. Sorry, could you repeat that one
15 more time?

16 A. From the time you joined the
17 College Republicans in September of 2019 up to and
18 including November 2019, had the B.U. Republicans
19 invited and/or hosted speakers on campus?

20 A. Well, in between that time
21 period, we had the two events. So we have The Case
22 Against Socialism where we had, I think three
23 speakers come in. And then in November, we had Dr.
24 Art Laffer.

25 Q. And were you involved in hosting

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2 any other speakers on behalf of the College
3 Republicans after Dr. Laffer event on November 18th,
4 2019?

5 A. I hadn't -- from what I recall, I
6 hadn't dealt with anything going forward with any
7 speakers or events after that.

8 Q. Did anyone from Binghamton
9 University prevent you from holding the cases -- The
10 Case Against Socialism event?

11 A. I hadn't dealt with that. I just
12 showed up to the event.

13 Q. Going back to the caption,
14 there's a -- the name, Jon Lizak, you mentioned him
15 before. Do you know Mr. Lizak?

16 A. Yes, I know him.

17 Q. How long have you known him for?

18 A. I -- I met him in my freshman
19 year of fall 2019.

20 Q. When's the last time you spoke
21 with him?

22 A. I can't recall. A few years ago.

23 Q. Do you know if he's a current
24 B.U. Republicans member?

25 A. No, I do not know.

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2 Q. Do you know when he was a member
3 of the College Republicans?

4 A. All I remember was throughout the
5 duration of up to May 2020, which is when that year
6 ended and I think that following year in 2021 up
7 until my graduation, I think he was involved. I -- I
8 don't recall.

9 Q. Okay. So you think he was a
10 member of the College Republicans during the same
11 period you were a member of the College Republicans?

12 A. Yes, that's what I remember.

13 Q. And do you have any knowledge of
14 his membership after you left Binghamton Univer --
15 University?

16 A. No, I do not know.

17 Q. Do you know if he's still a
18 student at Binghamton University?

19 A. No, I have no idea.

20 Q. Have you ever discussed this
21 lawsuit with him?

22 A. Well, maybe just a brief mention
23 of it, but that's all.

24 Q. What was that?

25 A. I don't recall. Just small talk.

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2 Q. But when was that if you know?

3 A. I don't know. I haven't spoken
4 with him in years.

5 Q. Are you aware that he made a
6 request to withdraw as a Plaintiff from this lawsuit?

7 A. No, I don't know that.

8 Q. You know -- you mentioned John
9 Restuccia.

10 A. Yes.

11 Q. Who is John Restuccia?

12 A. Was the former president of
13 Binghamton University College Republicans, leading up
14 to January of 2020 -- or not 2020. Yes, January --
15 around January of 2020, I don't know if he held the
16 office after that, but he was the president when I
17 came into the organization.

18 Q. What's the last time you spoke
19 with John Restuccia?

20 A. A year ago.

21 Q. Have you ever discussed the
22 lawsuit with him?

23 A. Once again, like Lizak, maybe
24 brief conversation, but nothing really ever about it.

25 Q. He's been identified as a witness

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2 to the events in this complaint, do you know what he
3 would be a witness to?

4 A. John was there when the event
5 transpired.

6 Q. Okay. I'm going to ask you about
7 a few other names we've been given from the College
8 Republicans. The next name is Logan, L-O-G-A-N
9 Blakeslee, B-L-A-K-E-S-L-E-E. You know who this
10 person is?

11 A. Yes, I know Logan.

12 Q. And what information about the
13 allegations in the complaint does Logan have, if you
14 know?

15 A. I don't think Logan was that
16 involved with any of this really. Besides, I think
17 he was at the Art Laffer event. That's all I know.

18 Q. Are you currently in contact with
19 Logan?

20 A. No.

21 Q. When's the last time you spoke
22 with Logan?

23 A. Years ago.

24 Q. Okay. ... with Logan?

25 A. Not from what I recall.

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2 Q. Do you know who Kyle Nelson is?

3 K-Y-L-E, Nelson is N-E-L-S-O-N.

4 A. Yes, I know Kyle.

5 Q. Who is Kyle?

6 A. Was -- he had something -- was he
7 the treasurer or secretary of College Republicans, I
8 think. I don't recall, but he held some form of
9 office.

10 Q. Was this in fall 2019 or at some
11 other time?

12 A. I can't recall if it was either -
13 - maybe it was fall or maybe it was that spring, I
14 don't know.

15 Q. He's been identified as a witness
16 in this litigation. Do you know what Kyle would have
17 been a witness to?

18 A. Kyle was also there for the Art
19 Laffer event.

20 Q. Was he at the tabling event?

21 A. I don't recall.

22 Q. Have you ever discussed the --
23 the claims in this lawsuit with him? Or the lawsuit
24 at all with him?

25 A. If maybe it came up in

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2 conversation, but nothing really ever talked about
3 it, just brief notice, and that's all.

4 Q. When's the last time you talk to
5 Kyle?

6 A. Three years ago, maybe.

7 Q. You're not currently in contact
8 with him?

9 A. No, I have no contact.

10 Q. You see another name, Sebastian
11 Roman. Do you know who Sebastian Roman is? Who is
12 Sebastian Roman?

13 A. He would come to some of the
14 right leaning organizations. So College Republicans,
15 I think maybe College Libertarians, I think
16 Binghamton Review. He wasn't too involved with
17 anything.

18 Q. He was named as a witness to this
19 -- in this lawsuit. Do you know what he was a
20 witness to?

21 MR. MILLER: Objection. Calls for
22 speculation.

23 BY MR. MOORE: (Cont'g.)

24 Q. I'm asking if you know what --
25 what he was a witness to.

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2 MR. MILLER: Objection. It's calling
3 for speculation about what he witnessed.

4 MR. MOORE: Objection is on the
5 record. You need to answer.

6 THE WITNESS: I -- I don't know.

7 BY MR. MOORE: (Cont'g.)

8 Q. Was he at the tabling event?

9 A. I don't recall if he showed up or
10 not, I've -- I've no idea.

11 Q. Was he at the Laffer event?

12 A. I don't remember.

13 Q. Have you ever discussed this
14 lawsuit with Sebastian Roman?

15 A. I don't know. I don't think so.

16 Q. When's the last time you spoke
17 with Sebastian Roman?

18 A. Once again, years ago. I -- I
19 don't remember.

20 Q. You're not currently in contact
21 with that individual?

22 A. No, no contact.

23 Q. You know who Thomas Gagliano is?
24 And that's G-A-G-L-I-A-N-O?

25 A. Yes.

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2 Q. Who is Thomas Gagliano?

3 A. He was the former editor in chief
4 for the Binghamton Review.

5 Q. Do you know what information
6 about the allegations in the complaint Thomas would
7 have?

8 A. No.

9 MR. MILLER: Objection. Speculation.

10 BY MR. MOORE: (Cont'g.)

11 Q. Was he at the tabling event?

12 A. I don't know.

13 Q. Was he at the Laffer event?

14 A. I think he was.

15 Q. Have you ever discussed the facts
16 in this lawsuit with Thomas?

17 A. No.

18 Q. When's the last time you spoke
19 with Thomas?

20 A. Years ago. Three years ago. I
21 don't know.

22 Q. Had you ever had any contact with
23 Dr. Arthur Laffer other than on November 18th, 2019?

24 A. No.

25 Q. You know who Joe Riccardi is?

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2 A. No.

3 Q. Okay. Are you aware of the
4 identity of any other witnesses to the tabling events
5 of November 14th, 2019?

6 A. Well, on the tabling event, it
7 would be me, Jon Lizak and Taylor Ziniski.

8 Q. Who's the third name?

9 A. Taylor Ziniski.

10 Q. Who's Taylor?

11 A. At the time he was the Turning
12 Point rep for that region. Z-I-N-I-S-K-I.

13 Q. Have you ever discussed the facts
14 of this case with Taylor? Have you seen Taylor since
15 November 14th, 2019?

16 A. Yes, a few times.

17 Q. And when's the last time?

18 A. November,
19 . 2022.

20 Q. But you didn't discuss this
21 lawsuit at all with him?

22 A. No, we're just friends.

23 Q. Was Taylor at the Laffer event?

24 A. No, I don't recall him being
25 there.

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2 Q. Other than you, Lizak and Taylor,
3 was anybody else at the tabling event associated with
4 the College Republicans or Turning Point U.S.A.?

5 A. I don't recall. I think there
6 was -- I don't know if he was really affiliated. I
7 think he became affiliated after, but there was Joe
8 Silverstein. He was there briefly.

9 Q. Was John Restuccia there?

10 A. I think he showed up at a later
11 time. He wasn't there for the whole thing, but I
12 think he showed up at some point as the events
13 transpired. I can't recall exactly. It was over
14 three years ago now.

15 Q. He was there some of the time,
16 but not all of the time. Is that a fair statement?

17 A. From what I recall, yes.

18 Q. You remember specifically what
19 hours during the tabling event he was present?

20 A. I don't recall. I wasn't
21 watching the time. It was hectic that day.

22 Q. Were there any other members of
23 College Republicans at the tabling event other than
24 those individuals you've mentioned?

25 A. That's all I remember. I can't

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2 recall.

3 Q. Are you aware of any other
4 witnesses to the Dr. Laffer event of November 18th,
5 2019?

6 A. I don't know besides the people
7 standing in the room that day. I don't know.

8 Q. It's fair statement there were
9 lot of people in the room that day, correct?

10 A. Yes, fair statement.

11 Q. Let's confine it to the College
12 Republicans. Who was there from the College
13 Republicans?

14 A. It was me, Kyle, John Restuccia,
15 Jon Lizak, I think Preston Scagnelli. I think Joe
16 Silverstein was there. Some other guy named Nick. I
17 don't recall his last name. Bryn Laur.

18 Q. What was that last name? The
19 final name you said, Bryn Laur?

20 A. L-A-U-R Lau -- Laur, I believe
21 that's how you say it.

22 Q. What's the first name?

23 A. Bryn, B-R-Y-N.

24 Q. Were there any other College
25 Republicans present at that time?

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2 A. Logan might have been there, but

3 I don't know. That's -- that's all I can recall.

4 Q. Okay. That's all I'm asking.

5 MR. MOORE: We've been going for a

6 little over an hour. Do we want to take a short

7 break, Steve?

8 MR. MILLER: That -- I think that'd be

9 fine when -- when you guys want to break for lunch?

10 MR. MOORE: It's twelve zero five now.

11 What do you say we'd break for lunch -- what do you

12 prefer, Steve?

13 MR. MILLER: I'm okay breaking now or

14 we could go, you know, we could go up to twelve

15 thirty, if you want, we'll break then.

16 MR. MOORE: Okay. Let's take a five-

17 minute break now and then they will go till around

18 twelve thirty and we'll break for lunch. Is that

19 okay?

20 MR. MILLER: Yes, that works.

21 MR. MOORE: So we'll be back at twelve

22 ten.

23 (Off the record, 12:05 p.m.)

24 (On the record, 12:13 p.m.)

25 THE REPORTER: We're back on the

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2 record.

3 BY MR. MOORE: (Cont'g.)

4 Q. Ms. Kestecher, I had asked you
5 about conversations you've had with the various
6 members of the College Republicans since these
7 events. Had you ever exchanged texts with any
8 members of the College Republicans before the tabling
9 event of 2019? I think you're on mute.

10 A. Sorry.

11 Q. Okay. I can hear you.

12 A. Yes, we had texted each other.

13 Q. Okay. Did you text them at all
14 about the tabling event whether during the tabling
15 event or thereafter?

16 A. I mean, we were friends, so
17 friends text each other.

18 Q. Yeah, understood. Who did you
19 exchange texts with about the tabling event?

20 A. I recall or at least from what I
21 would remember would be John Restuccia, Lizak, Kyle,
22 Weston and that was all probably. I don't know maybe
23 -- maybe a few other people in there, I don't know.

24 Q. You still have the same phone
25 number that you had in November of 2019, cellphone

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2 number? Yes?

3 A. Yes, I have the same phone
4 number.

5 Q. Maintained copies of any text
6 you've exchanged with the individuals you mentioned,
7 Restuccia, Lizak, Kyle, Weston?

8 A. I don't think so. I haven't
9 backed up my phone in years. So I've lost a lot.

10 MR. MOORE: Steve, is -- is -- is Ms.
11 Kestecher being produced as party witness here?

12 MR. MILLER: Yes, she is.

13 MR. MOORE: Okay. I'm going to make a
14 request for copies of all texts about the tabling of
15 events exchanged between Ms. Kestecher and any
16 members of the College Republicans including the four
17 individuals that she mentioned.

18 MR. MILLER: Okay. Yeah, if she has
19 any we'll -- we'll talk about that after today.

20 MR. MOORE: Okay.

21 BY MR. MOORE: (Cont'g.)

22 Q. Same questions that concerns the
23 Dr. Laffer event. Did you exchange texts with
24 anybody from the College Republicans or anybody else
25 about the Laffer event?

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2 A. Possibly the same people. I
3 don't remember what I've texted three years ago.

4 Q. All right. I'm going to make the
5 same request that you provide copies of those texts
6 if you still have them to counsel.

7 MR. MOORE: And Steve, I'm going to
8 make a request for those on the record I'll follow up
9 by email.

10 BY MR. MOORE: (Cont'g.)

11 Q. Had you exchanged in any texts
12 with anybody from the College Republicans or anybody
13 else regarding this lawsuit. And let me qualify
14 that. I'm not asking you about text exchange with
15 attorneys or texts which the plaintiffs attorneys who
16 were party -- or were party to in this matter.

17 I'm asking whether you exchanged text
18 with anybody about the subject matter of this lawsuit
19 or the lawsuit itself since November 2019?

20 A. Just in regards to anything --
21 anything regarding it?

22 Q. Yes.

23 A. I think so. I mean, if I'm
24 talking with somebody, presumably I would have.

25 Q. And who would that be if you

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2 know?

3 A. I don't know, maybe my family
4 members when I'm talking about my life, or my
5 friends, I -- I don't know.

6 Q. Would it include any members of
7 the College Republicans? Former members?

8 A. I don't recall, possibly, but I
9 don't -- I don't know.

10 Q. Had you ever been involved in
11 making social media posts of any kind regarding the
12 tabling event?

13 A. With College Republicans, I
14 hadn't dealt with the social media aspect of any
15 kind.

16 Q. How about any personal social
17 media posts about the tabling event, did you make any
18 before or after the tabling event?

19 A. With regards to just what
20 happened or anything with it?

21 Q. Yes.

22 A. No, I don't think so unless I
23 posted an article maybe. If there was an article
24 about it, but re-posted something.

25 Q. What article have you posted

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2 about the tabling events since November of 2019,
3 during or since November 2019?

4 A. Well, they weren't my articles, I
5 would just repost something I might have found on, I
6 don't know, maybe on Facebook.

7 Q. Okay. You didn't personally --
8 you said you were writing for a few different
9 publications in internships. Have you written any
10 articles about the tabling event?

11 A. I don't know.

12 Q. On social media or otherwise.

13 A. No, not from what I recall. I
14 think I was just posting articles that came from
15 other sources and then just reposting.

16 Q. Okay. Same question for the
17 Laffer event. Have you been involved in making any
18 social media posts about the Laffer event since it
19 occurred?

20 A. I don't know.

21 Q. And have you been involved in
22 making any social media posts about the subject
23 matter of this lawsuit or the lawsuit itself?

24 A. Not from what I recall.

25 Q. How about social media messaging.

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2 What social media are you involved in personally?

3 A. Both Facebook, Instagram.

4 Q. Had you use any of those
5 platforms to exchange messages with anyone regarding
6 the subject matter of this lawsuit?

7 A. I don't recall.

8 Q. Okay. I'm going to ask that you
9 search your social media platforms and provide copies
10 of any social media messaging you engaged in
11 regarding the subject matter of this lawsuit. You
12 know, there's a plaintiff in this case, Young
13 America's Foundation?

14 A. Yes, I'm aware of that.

15 Q. Do you know what Young America's
16 Foundation is?

17 A. It's a conservative leaning
18 organization that, similar to the other
19 organizations, also promotes free speech, freedom,
20 liberty, American conservative values.

21 Q. Have you ever held any kind of
22 role, position, or membership in Young America's
23 Foundation?

24 A. No.

25 Q. Did you have any contact or

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2 communication with Young America's Foundation before
3 November 2019?

4 A. No, I hadn't dealt with that.

5 Q. Did Young America's Foundation
6 has some involvement with the Laffer event?

7 A. Yes, because Art Laffer was their
8 speaker, so that's all I know.

9 Q. Go ahead If you haven't answered.

10 A. I didn't really deal with
11 anything on that front, though that's all I know
12 besides that.

13 Q. Okay. So you had no involvement
14 in the B.U. Republicans getting involved with Young
15 America's Foundation as it pertains to the Laffer
16 event on the 14th of November, 2019?

17 A. Yes, I did not deal with that.

18 Q. Okay. Do you know, Raj
19 Kannappan, Raj is R-A-J, Kannappan for the record is
20 K-A-N-N-A-P-P-A-N?

21 A. I did briefly on the day of the
22 event, but besides that I had no communication.

23 Q. Did you have any contact with him
24 before or after the event?

25 A. No. Maybe once after, I don't --

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2 I don't remember, but that was all.

3 Q. But did you have contact with him
4 after the event?

5 A. I don't think I had, and if I
6 did, then maybe it was something brief, but I don't
7 remember. All I remember is meeting him briefly on
8 the day of the event and that was it.

9 Q. And how was -- there was a room
10 selected for the Dr. Laffer event, correct?

11 A. Yes.

12 Q. How is that room booked and by
13 whom?

14 A. I haven't dealt with any of that.

15 Q. You had no involvement into that
16 process?

17 A. No, I -- I did not deal with any
18 of that.

19 Q. Was there a luncheon with Dr.
20 Laffer before the speaking event?

21 A. Yes, that was on the afternoon.

22 Q. Did you attend that lunch?

23 A. I did.

24 Q. Who attended the lunch beside
25 you?

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2 A. Me, a few of the College
3 Republicans and a few of the finance society, I think
4 that's what the name of it is, a few of their board
5 members as well.

6 Q. What occurred at the lunch?

7 A. It was just a Q&A with Dr.
8 Laffer, just small talk. Sorry?

9 Q. Who paid for the lunch?

10 A. I have no idea.

11 Q. Was this lunch incorporated into
12 the contract with Dr. Laffer and part of his fee?

13 A. I -- I don't know.

14 Q. Was there a press conference
15 either before or after the lunch?

16 A. No, we just had lunch and spoke
17 with him.

18 Q. You weren't present at any press
19 conference involving Dr. Laffer that day?

20 A. I have no knowledge.

21 Q. Do you know who Jeff Coughlan is
22 or C-O-U-G-H-L-A-N, Coughlan -- yeah, Coughlan. Do
23 you know who funded Dr. Laffer's appearance?

24 A. I hadn't dealt with the funding
25 or any of that with the event.

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2 Q. You don't know who paid for?

3 A. All I know is that YAF was
4 involved, but besides that, it was other people and
5 College Republicans were dealing with that, that
6 wasn't my responsibility.

7 Q. Was The Case Against Socialism
8 event held on October 28th, 2019?

9 A. I don't remember the day, but it
10 was in October 2019.

11 Q. Did you ever meet with anybody
12 from Binghamton University about the event before the
13 event?

14 A. I hadn't.

15 Q. Did you have any contact with the
16 university police members about the case against
17 socialism event before the event?

18 A. I hadn't dealt with them.

19 Q. Was anybody from the university
20 police department present at The Case Against
21 Socialism event?

22 A. I think so. I don't remember
23 though.

24 Q. Did anybody from the university
25 prevent that event from going forward?

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2 A. I hadn't dealt with getting that
3 event together, so I wouldn't have any knowledge on
4 that.

5 Q. What is PLOT? We talked about
6 them being in the caption, the Progressive Leaders of
7 Tomorrow; do you know what that organization is?

8 A. From what I'm aware, it's
9 evidently the name, it's a progressive organization.
10 And from what I've known and what I've at least heard
11 is it's somewhat similar to Antifa. So that's all I
12 know.

13 Q. Is it a Binghamton University
14 student group or an outside group if you know?

15 A. From what I know it's an outside
16 group. I don't know -- I don't know much about it.

17 Q. What about the College
18 Progressives, do you know who they are?

19 A. Yes, I do. They -- and they are
20 a Binghamton group, I know that for a fact.

21 Q. What do you know about the
22 College Progressives?

23 A. They are a progressive-leaning
24 and very left-leaning organization at the university.

25 Q. Okay. Do you have any personal

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2 knowledge regarding whether the Defendant Brian Rose
3 had any direct contact or communication with any
4 representative of PLOT during the calendar year 2019
5 up to and including the tabling events or Laffer
6 event?

7 A. That is not within my knowledge,
8 I don't know.

9 Q. Do you have any personal
10 knowledge regarding whether Defendant Harvey Stenger
11 have any direct contact or communication with any
12 representative of PLOT during the calendar year 2019
13 up to and including the tabling events or Laffer
14 event?

15 A. I wouldn't know.

16 Q. Do you have any personal
17 knowledge regarding whether the Defendant John
18 Pelletier had any direct contact or communication
19 with any representative of PLOT during the calendar
20 year 2019 up to and including the tabling events and
21 Laffer event?

22 A. I don't have any knowledge of
23 that either.

24 Q. Same questions as it pertains to
25 the College Progressives. Do you have any personal

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2 knowledge regarding whether Defendant Brian Rose had
3 any direct contact or communication with any
4 representative of College Progressives during the
5 calendar year 2019 up to and including the tabling
6 event and Laffer event?

7 A. I don't know.

8 Q. Do you have any personal
9 knowledge regarding whether Defendant Harvey Stenger
10 had any direct contact or communication with any
11 representative of College Progressives during the
12 calendar year 2019 up to and including the tabling
13 event and Laffer event?

14 A. I don't have any knowledge on
15 that.

16 Q. And do you have any personal
17 knowledge regarding whether Defendant John Pelletier
18 had any direct contact with any representative of
19 College Progressives during the calendar year 2019 up
20 to and including the tabling event and Laffer event?

21 A. I don't know.

22 Q. You don't know? Okay. Let's go
23 to paragraphs forty-seven and forty-eight of Exhibit
24 One, which is the verified complaint in this matter.

25 MR. MOORE: Annette if you could put

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2 those up on the screen I'd appreciate it. It starts
3 at the bottom of page twelve, Annette and conclude at
4 the top of page thirteen. Right there. I'll read a
5 paragraph forty-seven into the record first.

6 BY MR. MOORE: (Cont'g.)

7 Q. That reads, on Thursday,
8 November 14, 2019, College Republicans organized the
9 tabling event in a high-traffic area of SUNY
10 Binghamton's campus known as The Spine. College
11 Republicans' table was not blocking access to
12 buildings or pedestrian traffic.

13 And then the next paragraph, paragraph
14 forty-eight reads as follows, as they and many other
15 student organizations have done previously, College
16 Republicans did not obtain a permit from the Student
17 Association to table on this date. Did I read those
18 paragraphs correctly, ma'am? We lost -- we lost her
19 Steve.

20 MR. MILLER: Lacey, are you still on?
21 Just give her a second.

22 THE WITNESS: Sorry, I think my Wi-Fi
23 went out for a quick second.

24 MR. MOORE: It's okay. It's the
25 problem with these remote depositions.

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2 BY MR. MOORE: (Cont'g.)

3 Q. I just read paragraphs forty-

4 seven and forty-eight into the record. Where did --

5 where did we -- we lose you?

6 A. I think I heard you read them and

7 then I went out.

8 Q. Well, did I read those paragraphs

9 correctly?

10 A. Yes, that's what I recall you

11 asking that when -- when I went out.

12 Q. Where was this tabling event

13 held?

14 A. It was on The Spine of the

15 campus.

16 Q. What is The Spine?

17 A. It's just a center walkway,

18 essentially down Binghamton's main lecture halls.

19 Q. It's a walkway, outdoor walkway.

20 Is that correct?

21 A. Yes, it's basically just a

22 straightaway where all the lecture halls and just the

23 main part of campus is located.

24 Q. Fair to say walking sidewalk on

25 campus near the lecture hall buildings, is that a

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2 fair statement?

3 A. Yes, it -- it's just a main long
4 walkway that goes throughout the center.

5 Q. Were you personally present for
6 the tabling event?

7 A. Yes, I was.

8 Q. And were you there for the entire
9 event or only a portion?

10 A. I was there for the entire event.

11 Q. And what time did it begin? If
12 you see paragraph fifty, now it says ten a.m. Is
13 that accurate?

14 A. Yes, around that time period.

15 Q. And let's look at paragraph
16 forty-eight, it says, as they and many other student
17 organizations have done previously, College
18 Republicans did not obtain a permit from the Student
19 Association to table on this date. What does this
20 refer to?

21 A. It refers to myself and the other
22 people I was with setting up a table on the side of
23 The Spine without a permit.

24 Q. Were you -- were you aware of the
25 process for obtaining a permit for tabling on The

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2 Spine?

3 A. No, I did not deal with that.

4 Q. Who did deal with that for the
5 College Republicans?

6 A. I believe it was John Restuccia,
7 I don't know though.

8 Q. Are you familiar with what's
9 called the B THERE System, it's capital B-T-H-E-R-E,
10 you know what B THERE is?

11 A. I don't think I've ever heard of
12 that.

13 Q. Do you know whether the College
14 Republicans have utilized the B THERE System to
15 secure room for Dr. Laffer's appearance?

16 A. I haven't dealt with that, I
17 don't know.

18 Q. Do you know if the College
19 Republicans tried to utilize the B THERE System to
20 secure a space for the November 14 tabling event?

21 A. I don't know, that's not my
22 knowledge.

23 Q. Were you involved in any
24 discussions with any members of the College
25 Republicans before November 14, 2019, regarding

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2 whether the group planned to secure a space for the
3 tabling event?

4 A. I don't recall.

5 Q. You don't recall whether you were
6 involved in any conversations?

7 A. I don't recall about -- it maybe
8 with setting up the tables and just getting
9 everything together, but I hadn't dealt with much of
10 the -- much at all of that, I guess, to some extent.

11 Q. Well, my question was, did
12 anybody discuss it? Did you ever hear anybody say we
13 need to get a space -- reserved a space for a table
14 or we're not going to reserve a space for the
15 tabling?

16 A. I don't remember.

17 Q. Okay. So you have no memory of
18 that discussion ever coming up in your presence?

19 A. I don't recall, no.

20 Q. Okay. It says, paragraph forty-
21 eight, as they had done previously, College
22 Republicans did not obtain a permit from the Student
23 Association to table. Are you aware of other events
24 when this -- when the College Republicans had a
25 tabling and didn't obtain a permit before November

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2 14, 2019?

3 A. I don't recall.

4 Q. You're not aware of it?

5 A. No, I'd only been on the campus
6 for -- I only got involved about a month earlier at
7 that point, so.

8 Q. Fair enough. Are you aware of
9 any other student organizations who tabled on The
10 Spine without a permit before November 14, 2019?

11 A. I didn't have much knowledge of
12 anything with permits. I didn't deal with any of
13 that, so I wouldn't know.

14 Q. Same question for after November
15 14, 2019. Are you aware of any other student
16 organizations who tabled on The Spine after November
17 14, 2019 without a permit?

18 A. I -- I wouldn't know.

19 Q. How many tables did the College
20 Republicans have on November 14, 2019?

21 A. College Republicans had one
22 table, and then there was another table, but that was
23 a Turning Point table, so a total of two.

24 Q. Two you said?

25 A. Yes.

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2 Q. So there were two tables on The
3 Spine?

4 A. Yes, there was two tables.

5 Q. Who was, quote unquote, working
6 the College Republicans table on November 14th, 2019?

7 A. Well, it was me and Jon Lizak,
8 we're going back and forth between the two tables.

9 Q. So were you also working the
10 T.P.U.S.A. table?

11 A. Yes, I was working that one as
12 well, I was just shuffling back and forth between the
13 two.

14 Q. Okay. And was Jon Lizak
15 shuffling back and forth between both tables?

16 A. I -- I don't recall exactly, I
17 think he might have.

18 Q. How about other College
19 Republican members, was anybody else working both
20 tables?

21 A. I don't remember.

22 Q. Was anyone who was not a College
23 Republicans member working the T.P.U.S.A. table?

24 A. Taylor Sandusky would be one
25 because he was my Turning Point rep and was helping

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2 out with that table. So he was just doing that.

3 Q. What was -- what was on or around
4 the College Republicans' tables? I mean, did you have
5 any materials on the table or signs or pictures or
6 anything like that?

7 A. I believe it was promotional --
8 from what I remember it was the promotional Trump
9 tariffs and taxes or however it was phrased, I think
10 we had those Arthur Laffer promotional material being
11 given out because we had that event going on the
12 coming days, besides that --

13 Q. So you, go ahead.

14 A. I brought a Trump cut out, but
15 besides that, that was for them the -- that was for
16 that table.

17 Q. So you had a Donald Trump
18 cardboard cut out at the College Republican's table.
19 Is that a fair statement?

20 A. Yes, I kind of just brought it
21 out with the tables, so I don't recall if it was
22 really towards one or the other, it was just there
23 with a -- which went along with the event promotional
24 so --.

25 Q. In your head, is it true that

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2 you're handing out flyers for the Dr. Laffer event?

3 A. From what I recall, that's what I
4 was doing.

5 Q. How many flyers if any, were
6 handed out to passerbys -- passersby?

7 A. I -- I couldn't give a number, I
8 -- I had no idea. I couldn't remember.

9 Q. And how -- do you know how many
10 flyers you brought to the event?

11 A. I don't -- I don't know.

12 Q. There's an email from John
13 Restuccia which says, a hundred and fifty flyers were
14 handed out at the tabling. Would you have any reason
15 to disagree with that specification?

16 A. I wouldn't.

17 MR. MILLER: Objection, call -- calls
18 for speculation, you can answer if you know.

19 BY MR. MOORE: (Cont'g.)

20 Q. Do you know?

21 A. I hadn't dealt with printing out
22 materials or getting them together. I was just
23 handing them out so --.

24 Q. So if John wrote that, you don't
25 know whether it's true or not. Is that a fair

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2 statement?

3 A. I wouldn't know, he -- he dealt
4 with that so that wasn't my -- it wouldn't be in my
5 knowledge.

6 Q. By the way I don't want you to
7 guess about anything. Was there anything else being
8 handed out at the College Republican's table other
9 than flyers?

10 A. I don't recall, maybe there was a
11 sign-up sheet, I don't remember, I don't know.

12 Q. What would the sign-up sheet be
13 for?

14 A. Getting names and emails down for
15 the email list or that might -- I might be confusing
16 it with a Turning Point table, I don't know, but I
17 know there was those flyers for the event.

18 Q. And was anything else being
19 handed out by the College Republicans?

20 A. I -- I can't recall.

21 Q. Other than the cardboard cutout
22 of then President Trump, were there any other signs
23 or pictures at the College Republicans table?

24 A. Not from what I remember.

25 Q. How far away was the T.P.U.S.A.

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2 table from the College Republican's table?

3 A. Few feet and I don't, they
4 weren't -- they weren't too far, I don't -- I don't
5 know exactly.

6 Q. Can you describe what was
7 displayed at the T.P.U.S.A. table?

8 A. It was a typical, the general
9 Turning Point sign, so it was a wide breadth of them
10 ranging from the free speech sign, to pro-second
11 amendment sign, to free market signs. It wasn't
12 anything in particular, there was a wide array.

13 Q. Okay. Did the College
14 Republicans coordinate the tabling events with
15 T.P.U.S.A. before the event?

16 A. Actually, from what I remember it
17 wasn't supposed to happen like that. The Turning
18 Point was -- we were going to have an event the
19 following week, but just time restraints and
20 everything it just so happened that we fell on the
21 same day with each other. So that was the only
22 reason why it end up being both tables at once.

23 Q. Okay. Someone coordinated the
24 fact that College Republicans is having a tabling
25 about the Dr. Laffer event, T.P.U.S.A. should join or

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2 vice versa. You understand what I'm asking?

3 A. Not exactly, sorry, can you
4 rephrase that?

5 Q. Okay. Well, let's look at
6 paragraph forty-nine of the compliant complaint.
7 It's right up there in the screen. And I'll read it
8 into the record. It says, this tabling event
9 promoted an upcoming lecture by renowned economist
10 and presidential adviser Dr. Arthur Laffer titled,
11 Trump, tariffs, and trade wars that College
12 Republicans was co-hosting with Y.A.F. on Monday,
13 November 18, 2019.

14 And after that, it says Dr. Laffer
15 event. Is that why the College Republicans tabling
16 event was held; what's described in paragraph forty-
17 nine?

18 A. Yes, it was designed to promote
19 that event that was upcoming in the coming days.

20 Q. And how was that date picked,
21 November 14, 2019?

22 A. I don't know, I don't pick it.

23 Q. Okay. And do you know who did
24 pick it?

25 A. I don't have that knowledge.

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2 Q. Was it John Restuccia, who is
3 president of the College Republicans at the time or
4 don't you know?

5 A. I -- I don't know who would have
6 been in the organization.

7 Q. November 2019, you were
8 associated with T.P.U.S.A., correct?

9 A. Indeed I was.

10 Q. Did T.P.U.S.A. have November 14,
11 2019, secured as a date that that organization was
12 going to table before November 14, 2019?

13 A. We plan to have it at some point
14 in the near future, that wasn't necessarily going to
15 be the day, it just worked out logistically for us.

16 Q. Okay. Well, how did that come to
17 be is what I was getting at before. Did College
18 Republicans decide to do the tabling on The Spine and
19 then T.P.U.S.A. joined up, or was it the other way
20 around?

21 A. I don't recall necessarily. It
22 was just -- just so happened, I -- I don't know.

23 Q. T.P.U.S.A. brought materials
24 there, correct?

25 A. Yes, they did.

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2 Q. And there was an individual named
3 Taylor, who was an employee of T.P.U.S.A. who was
4 there, correct?

5 A. Yes.

6 Q. And you would describe him as
7 your rep, correct?

8 A. He -- he was the Turning Points'
9 rep for that region, whatever region they were given
10 in the northeast for this position work entering
11 point. So Binghamton fell under that jurisdiction.

12 Q. Well, how did Taylor find out
13 about this tabling on November 14, 2019, so he bought
14 a table and written materials and signs to that?

15 A. Well, it's because we -- well, we
16 had plans to table at some point and it just so
17 happened that that was the day that worked out for
18 us.

19 Q. Did you tell him that that was
20 the day it was going to happen?

21 A. I don't recall, we just worked
22 out a day that worked for both of our schedules.

23 Q. How did you work it out, in
24 person or was there a written -- some sort of message
25 sent between you and Taylor or someone else and

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2 Taylor to secure that date?

3 A. Might have been either text

4 message or phone call, I don't recall.

5 Q. Do you maintain text messages

6 with Taylor on your phone?

7 A. I probably lost any from that

8 long ago at this point.

9 Q. Okay. I'm going to make a

10 request that you do search on your phone to find

11 whether you have any text messages or other messages

12 whether it be emails, social media, et cetera with

13 Taylor regarding the November 14, 2019 tabling,

14 either before, during or after that event, okay?

15 Yes?

16 A. Yes.

17 MR. MILLER: Yeah, we'll -- we'll

18 touch base and we'll get back to you on that.

19 MR. MOORE: Okay.

20 BY MR. MOORE: (Cont'g.)

21 Q. Now let's go to Exhibit

22 Seventeen.

23 MR. MOORE: If you could put that up

24 on the screen, please, we'll return to Exhibit One,

25 Annette. Can we turn that?

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2 BY MR. MOORE: (Cont'g.)

3 Q. Do you recognize that photo Ms.
4 Kestecher?

5 A. Yes, I do.

6 Q. What is that a photograph of?

7 A. That was when we were tabling the
8 day of.

9 Q. This -- who is depicted in this
10 photo?

11 A. I don't know who the students
12 are, but I'm on the right-hand side and Taylor's on
13 the left-hand side.

14 Q. Okay. What does your hat say?

15 A. Trump 2020.

16 Q. And what is on the table there on
17 the T.P.U.S.A. table?

18 A. From what I recall, we had
19 stickers, pens --

20 Q. Are those ...?

21 A. I don't recall.

22 Q. There's a sign to the left of
23 Taylor. It says, I'm pro-choice pick your gun, and
24 then there's a -- there's the three images which are
25 a Glock 27, AR-15, and a 12 gauge. Is that correct?

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2 A. Yes, that's correct.

3 Q. What is the sign below that?

4 MR. MOORE: If you could scroll down a
5 little, Annette.

6 BY MR. MOORE: (Cont'g.)

7 Q. It seems to be a year fee, what
8 is that a photograph or a picture of?

9 A. Trying to play promotional, just
10 get your gun.

11 Q. Sort of looks like an image of a
12 rainbow in the shape of an AR-15. Is that correct?

13 A. Yes, it appears to be.

14 Q. At the feet of the students,
15 there's a sign behind that. Do you have any
16 recollection of what that sign said?

17 A. No, I can't see it, I -- I don't
18 know there was a bunch of signs, so.

19 MR. MOORE: Annette, if you could
20 scroll up a little bit so we can see the top of the
21 picture.

22 BY MR. MOORE: (Cont'g.)

23 Q. We see the stand-up which appears
24 to be the -- the President Trump stand-up that you
25 described, correct?

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2 A. Yes.

3 Q. That seems to be at the vicinity
4 of another table. What is that other table?

5 A. That would be the College
6 Republicans table there.

7 Q. There seems to be a box on top of
8 that. What is that box?

9 A. I don't recall, but probably the
10 promotional material I presume, because it was also
11 windy that day, I think. What I remember is we had
12 to hold stuff down so it wouldn't fly everywhere.

13 Q. All right. Paragraph fifty of
14 the complaint -- we can go back to Defendant Exhibit
15 One here. That reads, members of College Republicans
16 arrived on The Spine at approximately ten a.m. and
17 tabled for close to three hours without incident,
18 during which time they engaged with student passersby
19 regarding the upcoming Dr. Laffer Event. Did I read
20 that correctly?

21 A. Yes.

22 Q. And is that what occurred?

23 A. Yes, that was -- that was what
24 happened.

25 Q. Was there any plan on how long

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2 the tabling event would last?

3 A. What I recall just how long is
4 our schedules permitted based off of class schedules
5 and everything else.

6 Q. Did you have class that day?

7 A. I believe I had a class that
8 evening.

9 Q. Were there any negative
10 interactions or protests before one p.m. on November
11 14, 2019, at the tabling event?

12 A. I can't recall exactly the times,
13 it happened over the course, the build-up of the
14 entire incident.

15 Q. Did you have any personal contact
16 with university officials or B.U. police before one
17 p.m.?

18 A. No, I had not.

19 Q. Did you ever personally contact
20 anybody from the university or the Binghamton
21 University police during the tabling event?

22 A. I had not.

23 Q. Did you ever contact anybody else
24 to report anything that had occurred during the
25 tabling event during the tabling?

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2 A. Well, when the police showed up,

3 I mean, that was when the contact happened was when

4 they came to the tabling event that's when we had

5 contact, but besides that I -- I didn't have contact

6 beforehand.

7 Q. Did you have contact with anybody

8 else during the tabling events other than passersby

9 and people who were at the table? In other words,

10 did you send any texts or emails or anything like

11 that while the tabling was going on?

12 A. I recall maybe I had some contact

13 with other College Republicans, but besides that, it

14 was pretty focused in on the event.

15 Q. Paragraph fifty-one, which is on

16 the screen of Exhibit One reads as follows, at

17 approximately one thirty p.m. a mob of Defendant

18 College Progressives confronted College Republicans

19 over the content of their tabling. College

20 Progressives incited other members to join the mob by

21 sending messages to group chat rooms with numerous

22 other students. Did I read that correctly?

23 A. Yeah.

24 Q. Were you present when this

25 occurred?

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2 A. Yes.

3 Q. How many people confronted the
4 College Republicans?

5 A. Lots of people. I think it was
6 rumored that at some point it reached around two
7 hundred people or so. It was a lot, I -- I don't
8 know, it was overwhelming.

9 Q. Okay. And did it began at
10 approximately one thirty p.m. as it -- as it states
11 in paragraph fifty-one?

12 A. Yes, around that time.

13 Q. And how do you know they were
14 members of the College Progressives there?

15 A. Well, when you look at the video
16 footage, you could see their president or V.P. gave
17 them more hate, yelling at us in the video, so she's
18 clearly seen herself. I didn't know many of the
19 College Progressive members, other people had,
20 College Republicans, but she's the one who I could
21 certainly point out to you.

22 Q. In your opinion, did the
23 individuals who protested the tabling event have a
24 First Amendment right to do so?

25 A. They could protest what they want

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2 to, but they don't have the ability to take our gear,
3 and destroy it, and scream in our faces, and harass
4 us.

5 Q. Did -- you said the police showed
6 up?

7 A. They had.

8 Q. Do you know who contacted the
9 police?

10 A. I have no knowledge of that.

11 Q. Let's look at paragraph fifty-
12 five.

13 MR. MOORE: Steve will go for about
14 five more minutes and then take a lunch break.

15 MR. MILLER: Yeah.

16 BY MR. MOORE: (Cont'g.)

17 Q. Fifty-five reads, U.P.D. arrived
18 at the scene and instead of dispersing the mob and
19 protecting College Republicans' rights to free speech
20 as the written regulations required, applied the
21 speech suppression policy by demanding that College
22 Republicans leave The Spine while the College
23 Progressives chanted, pack it up. Did I read that
24 correctly?

25 A. Yes, you did.

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2 Q. Do you know what time the police
3 appeared?

4 A. I don't recall.

5 Q. You don't know who called them?

6 A. No, I do not know.

7 Q. Do you how many of them appeared?

8 A. From what I remember, I believe
9 it was between three and five.

10 Q. Did you feel in danger at that
11 time?

12 A. Yes, I did.

13 Q. And what occurred when the police
14 appeared?

15 A. Nothing much changed. They just
16 tried to -- I don't really know how to describe it,
17 per se. They were just -- they were trying to ensure
18 that nothing else occurred. I mean, they were just
19 as -- the protesters were just as uncivilized when
20 they showed up, so.

21 Q. Didn't the police stand between
22 the College Republicans and the protesting
23 individuals?

24 A. From what I recall that's what
25 they were trying to do.

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2 Q. Did you personally have any
3 conversations with the police?

4 A. When I was at the protest, and it
5 was occurring, yes, I told them that from what I
6 recall, I wasn't feeling safe because I had the one
7 woman in the video kept pressing against me. So the
8 officer had to say something to her. So I guess that
9 would be an interaction there.

10 Q. Do you know what her name was?

11 A. It was Erin Snashall, I believe.

12 Q. Is that the individual who knock
13 your hat off?

14 A. I don't recall if it was her or
15 somebody else. It was very hectic, so somebody took
16 it off my head.

17 Q. Did anyone say anything to you
18 while you were tabling about whether you had properly
19 reserved space for the tabling?

20 A. From what I recall, I think
21 somebody from the administration had spoken about it
22 and I don't remember much though.

23 Q. Do you know who that person was?

24 A. No, I -- I -- I don't know who he
25 was.

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2 Q. Do you know if that was someone
3 from the Student Association or from the Binghamton
4 University Administration?

5 A. I believe he was from Binghamton,
6 not the Student Association.

7 Q. You don't know who that
8 individual was?

9 A. No, I don't know who that was.

10 Q. Do you know what that person said
11 to you?

12 A. He just asked us because it was
13 getting louder and louder because it was in his
14 jurisdiction to watch over that area that if maybe we
15 could move because of that.

16 Q. Okay. Did you say anything in
17 response to that, or did anyone from the College
18 Republicans respond to that?

19 A. I don't recall.

20 Q. Okay. Did the College
21 Republicans at any point pack up tables and materials
22 and leave The Spine?

23 A. I don't remember if we packed
24 stuff up or not, we were just scurried away
25 essentially. So the police officers kind of led us

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2 out. All I remember is that our tables were getting
3 crushed and they were kicking them and everything,
4 so.

5 Q. Well, when you left where the
6 tables folded up along with the materials that were
7 there.

8 A. I -- I don't recall, it -- it --
9 it was hectic, I don't really remember what happened.
10 All I remember is getting out of the situation.

11 Q. Where did you go from The Spine?

12 A. Well, the police officers and I
13 guess all of us we were just led out towards one of
14 the close-by buildings, I don't know what the
15 building was, sorry.

16 Q. Did the police escort you there?

17 A. I don't recall. There was all
18 the police in the building, so I think somebody just
19 told me that we're leaving from what I remember and
20 we all just followed the police evidently because we
21 all ended up in the same spot.

22 Q. Who told you, you were leaving?

23 A. From what I remember, I think it
24 was John Restuccia.

25 Q. And who was in the group that

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2 left?

3 A. It's me, and I believe Taylor, I
4 think it is John Restuccia, Jon Lizak and I think
5 some of the students also there, to the best of my
6 memory that's what I remember.

7 Q. Were there any police with you
8 when you were leaving?

9 A. I just followed everybody and
10 where we all ended up the police were there, so.

11 Q. How many police were there where
12 you ended up?

13 A. I don't recall, maybe around a
14 handful.

15 Q. You said three to five were out
16 on The Spine, how many ended up where you went to?

17 A. I can't remember I think around -
18 - somewhere around that same number.

19 Q. And do you know any of their
20 names -- any of the police officers?

21 A. And I wouldn't know, I wouldn't
22 recall.

23 Q. Do you know, Vice President --
24 B.U. Vice President Brian Rose by sight?

25 A. I -- I know his name.

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2 Q. If you saw him today would you
3 know it was him?

4 A. No, I wouldn't -- I wouldn't, no.

5 Q. Was he at the November 14th, 2019
6 tabling event?

7 A. I -- I wouldn't have any
8 knowledge of that.

9 Q. What -- do you have any personal
10 knowledge whether he had any personal involvement in
11 directing the actions of B.U. police on November 14,
12 2019?

13 A. That would not be my knowledge.

14 Q. Do you know B.U. President Harvey
15 Stenger by sight?

16 A. Yes, I do.

17 Q. Was he at the November 14, 2019
18 tabling event?

19 A. I don't recall him being there.

20 Q. Do you have any personal
21 knowledge whether President Stenger have any personal
22 involvement in directing the actions of the B.U.
23 police in November 14, 2019?

24 A. I won't have any knowledge of
25 that.

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2 Q. Do you know Defendant John

3 Pelletier by sight?

4 A. I know who he is.

5 Q. Who is he?

6 A. I think he was the chief of
7 police for Binghamton. I think he was present at
8 that time from what I recall.

9 Q. Was he at the November 14, 2019
10 tabling event, if you know?

11 A. From what I recall, he was.

12 Q. Where was he?

13 A. I wouldn't know it was so hectic.
14 There were so many people there.

15 Q. Okay. Well, you said you
16 believed he was, where did you see him?

17 A. I couldn't pinpoint a spot, it
18 was hectic the whole event, so.

19 Q. Did you have any conversations
20 with Chief Pelletier at the scene?

21 A. I don't recall. I had
22 conversations with some of the officers. But I
23 couldn't recognize the officer by name and face per
24 se. I was just trying to make sure I wasn't getting
25 or I was at least protected. So I was interacting

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2 with the officers, but I don't necessarily know all
3 their names. It was overwhelming.

4 Q. Okay. Were they protecting you
5 at the scene, or trying to?

6 A. I don't really know what they
7 were trying to do per se. I can't speak on behalf of
8 them, but it didn't really seem like much was going
9 on because the protesters were continuing to just
10 surround us. They were just trying to serve as a
11 barricade, but the students were getting increasingly
12 rowdy throughout the time period.

13 Q. There were about two hundred
14 students?

15 A. From what I recollect it got up
16 to that number, I believe.

17 Q. From what you recall, about three
18 to five officers?

19 A. That's what I remember, but it's
20 been three years so I can't -- I can't really recall
21 much.

22 Q. Okay.

23 MR. MOORE: It's one zero five right
24 now. Do we want to take a break so people can get
25 lunch and then come back?

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2 MR. MILLER: Yeah, that sounds good.

3 What time do you want to start up again?

4 MR. MOORE: You tell me. I mean, I

5 can be quick, but --.

6 MR. MILLER: How about -- should we

7 say about one twenty-five or one thirty, is that --

8 is that work for everybody?

9 MR. MOORE: Let's say one thirty.

10 It's one zero five right now, so we'll say one

11 thirty. That work for everybody? Okay. We'll see

12 you at one thirty, thanks.

13 (Off the record, 1:05 p.m.)

14 (On the record at 01:35 a.m.)

15 THE REPORTER: We're on the record.

16 MR. MOORE: Okay. You're prepared to
17 proceed, Ms. Kestecher?

18 THE WITNESS: Sorry. Yeah.

19 MR. MOORE: What I'm looking at is the
20 -- the -- I'm going to look at the -- the full
21 statement that's there under the words official
22 statement. I can see it fine from here as long as
23 the witness can.

24 BY MR. MOORE: (Cont'g.)

25 Q. So we're -- we're back on the

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2 record. Are you -- you're prepared to proceed, Ms.
3 Kestecher?

4 A. Yes, I am.

5 Q. Okay. I'm showing you what's
6 been marked as -- previously marked as Defendant's
7 Exhibit Twelve. This appears to be a social media
8 post, a Facebook post on -- by the Binghamton
9 University College Republicans dated November 17th,
10 2019. Do you recognize this social media post?

11 A. It looks familiar, but I don't
12 recall much of it. I didn't deal with the social
13 media for College Republicans.

14 Q. Okay. Well, that's my next
15 question. Did you have any participation in
16 authoring this statement?

17 A. No, I don't -- I don't recall.

18 Q. It says at the top, official
19 statement by B.U.C.R. President John Restuccia
20 regarding November 14th incident. Do you see that?

21 A. Yes, I do.

22 Q. Did you have any contact with Mr.
23 Restuccia about preparing this statement before it
24 was posted?

25 A. Not from what I recall.

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2 MR. MOORE: Okay. Annette, can you
3 scroll down a little so we can see the whole
4 statement? Okay. That's good.

5 BY MR. MOORE: (Cont'g.)

6 Q. The second paragraph reads, we
7 are handing out free hot chocolate to help promote
8 the upcoming Y.A.F. sponsored event re -- featuring
9 renowned economist Arthur Laffer.
10 Volunteers at the Turning Point U.S.A.
11 table next to us were recruiting members with their
12 posters and pins. Many organizations from all
13 political sides and many non-political organizations
14 tabled in this manner on campus every week. Did I
15 read that correctly?

16 A. Yes, you did.

17 Q. Who were the volunteers at the
18 Turning Point U.S.A. table?

19 A. Well, it was me, Taylor was
20 there, John Lizak and whatever other College
21 Republicans passed their way through and maybe helped
22 between classes. I don't recall who that would've
23 been though, per se.

24 Q. But the three people you
25 mentioned were working both tables, you, John Lizak,

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2 and Taylor?

3 A. Taylor was not working with the
4 College Republicans table strictly.

5 Q. He was at the table for
6 T.P.U.S.A.?

7 A. Yes.

8 Q. But you and John Lizak were
9 working both tables, is that a fair statement?

10 A. Yes, the two of us were -- we're
11 -- we were going between the two.

12 Q. And you're -- and are you aware
13 of any other political and non-political
14 organizations that tabled in that place on campus
15 every week as it states in this statement?

16 A. I'm not really familiar with how
17 people go about tabling.

18 Q. Okay. Let's look at the -- the
19 fourth paragraph there and it says as follows. I'll
20 read it into the record. It has been suggested that
21 the incident in question occurred because we didn't
22 have proper permitting.

23 In the past, Turning Point U.S.A. and
24 our organization have tabled without any problems and
25 weren't required to secure any sort of permits.

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2 Countless other organizations have similarly tabled
3 without a permit requirement. Did I read that
4 correctly?

5 A. Yes.

6 Q. If you know, how many times has
7 Turning Point U.S.A. tabled without any problems
8 without permits on the Binghamton University campus?

9 A. From what I recall we previously
10 had beforehand, I don't recall if we had a table or
11 not. But we were handing out materials, collecting
12 signatures about a month earlier, was it -- it might
13 have been end of September, early October.

14 Q. But that wasn't associated with
15 the table?

16 A. I -- I don't recall.

17 Q. Do you remember where that was
18 located?

19 A. Around the same spot. On The
20 Spine.

21 Q. But as you sit here today, you
22 don't recall whether there was a table or not?

23 A. I can't recall exactly. I know
24 we had a big sign, so.

25 Q. Do you know what date that

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2 occurred on?

3 A. I'm in -- I don't know.
4 September, October.

5 Q. Do you have any records regarding
6 that incident -- event, let's say?

7 A. I don't recall.

8 Q. Did you send out any social media
9 posts about that recruiting event?

10 A. I don't believe we even had a
11 social media at that time.

12 Q. Did you exchange any texts with
13 anybody regarding that recruiting event?

14 A. I don't recall. It was me and
15 John Lizak who just went out there and promoted the
16 club for the first time on the campus.

17 Q. So would you just, if someone
18 walk by, you would hand them a flyer or something,
19 how did that work?

20 A. Yes, I think we had a -- we might
21 have had flyers, we might not have, I don't remember,
22 but we were just trying to get signatures. It was
23 more or less, are you interested in the club, if you
24 are, put down your email. And then, you want to sign
25 it, you sign. If not, you walk by.

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2 Q. And did people do so, did you get
3 any signatures?

4 A. Yes. From what I recall, we got,
5 I mean, we were getting quite a bunch, I can't
6 remember a number, but we were getting people
7 interested.

8 Q. Do you still have that page with
9 the signatures or pages?

10 A. Yeah. I -- I don't have it.

11 Q. Where did it go?

12 A. Probably in the garbage at this
13 point. I -- I have no idea. Lost it somewhere.

14 Q. Do you have any, I think you had
15 already answered this earlier in our deposition, but
16 do you have any knowledge of when the B.U. College
17 Republicans have tabled without a permit prior to
18 November 14th, 2019?

19 A. I don't have any knowledge of
20 that. I -- I wouldn't know.

21 Q. Any -- okay. And Turning Point
22 U.S.A. was not an approved student group at any point
23 during your time at Binghamton University, correct?

24 A. That's correct. Yeah, it was
25 not.

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2 Q. This paragraph also says
3 countless other organizations have similarly tabled
4 without a permit requirement. Can you name any of
5 those countless organizations to have tabled without
6 a permit requirement?

7 A. I didn't and I still don't -- I
8 don't know anything about the tabling or not the
9 tabling, but per se, the permit requirements, I don't
10 know anything about that, so I couldn't even speak to
11 anything with regard to it.

12 Q. Okay. Did you file any police
13 reports as a result of the November 14th, 2019
14 tabling event?

15 A. Yes, I did.

16 MR. MOORE: Okay. I'm going to ask
17 Annette if you could put the Exhibit JP Three up on
18 the screen.

19 THE REPORTER: I don't see an Exhibit
20 with that. Pelletier three?

21 MR. MOORE: Yeah, that's it.
22 Pelletier three. The sticker says JP Three. This is
23 a --

24 THE REPORTER: Okay.

25 MR. MOORE: -- Deposition Exhibit that

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1 2/13/2023 - Young America's v Stenger - Lacey Kestecher
2 was marked at the -- the deposition of John Pelletier
3 back in October of last year, I believe.

4 BY MR. MOORE: (Cont'g.)

5 Q. Do you recognize this document,
6 Ms. Kestecher?

7 A. I recommend -- I recognize the
8 name. I'm presuming this was my police report.

9 Q. Erin Snashall is the name, E-R-I-
10 N S-N-A-S-H-A-L-L? That's on --

11 A. That was it.

12 Q. -- the first page of JP Three.
13 Who is that person, Erin Snashall?

14 A. She was the woman in the video,
15 so when you look through the footage, she was the one
16 who was ridiculing me for -- throughout the duration
17 of the hours that they were protesting.

18 Q. Okay. And then, there is, near
19 the bottom of the page, we see a box titled
20 narrative. You see that?

21 A. Yes.

22 Q. I'll read the first paragraph.
23 It says, this is date of action November 16th, 2019,
24 date written November 16th, 2019. And it has the
25 Officer name, Orlando Torres, T-O-R-R-E-S,

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2 Lieutenant. Did I read that correctly?

3 A. Yes, you did.

4 Q. First paragraph reads, at
5 approximately sixteen twelve hours, I met with Lacey
6 Kestecher and John Lizak. Both are resident students
7 of Binghamton University and members of the College
8 Republicans Group.

9 They were both involved in the
10 incident that transpired November 14th and documented
11 an incident at four zero four six seven. Each wish
12 to report claims of harassment. As each have their
13 own incident in claims John's will be detailed in
14 incident four zero five zero four.

15 John, however, was a witness to
16 Lacey's claims and as such will be mentioned in this
17 report and his written statement is attached. Lacey
18 wished to make a claim against the female she
19 described in her statement attached, a tall, light-
20 skinned female with dreadlocks.

21 She stated this female was very
22 aggressive to her. Kept invading her personal space,
23 screaming in her face, threatened to spit on her, and
24 swore at her saying things like suck my dick, and
25 calling Lacey a pussy and a little white bitch. Lacy

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2 advised she has video evidence of the allegation she
3 is making.

4 Based on the description, Lacey gave
5 of the female and my knowledge of the incident, this
6 female's believed to be student Erin Snashall. Erin
7 has not yet been interviewed regarding this incident.

8 John stated that he witnessed much of
9 the behavior towards Lacey and stated that he also
10 feared for her safety given the aggressive behavior
11 described of the suspect. Did I read that correctly?

12 A. Yes, you did.

13 Q. Did you meet with Lieutenant
14 Orlando Torres at approximately four twelve p.m. on
15 November 16th, 2019?

16 A. Yes, I did.

17 Q. What police department does
18 Lieutenant Torres work for?

19 A. It was the one -- one right on
20 Binghamton's campus, so --.

21 Q. University police?

22 A. Yes.

23 Q. Is that paragraph I just read an
24 accurate summary of that meeting?

25 A. Yes, that was.

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2 Q. And it says, Lacey wished to make
3 a claim against the female she described in her
4 statement. What claim does that refer to?

5 A. Presuming it was probably my
6 police report.

7 Q. Do you still have a copy of that
8 statement that is referenced in here?

9 A. Believe I have -- I do have the
10 copy.

11 MR. MOORE: Steve, I'm going to
12 request a copy of the statement that Ms. Kestecher
13 prepared because I think, as we've previously
14 discussed, this might have gone to the court, and
15 then been sealed, so I don't believe we had it.

16 MR. MILLER: Okay. Can you put that
17 request in -- in writing after the deposition? We'll
18 considered it.

19 MR. MOORE: Sure.

20 BY MR. MOORE: (Cont'g.)

21 Q. Second paragraph reads, Lacey,
22 then made -- made allegations that a black male
23 ripped her hat off of her head and threw it in the
24 crowd and made a motion as if to get her.

25 Lacey was given a victim option here,

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2 which she chose criminal prosecution. I advised
3 Lacey that based on the behavior she described, if
4 charges were filed, they would likely amount to
5 violation level harassment.

6 I advised her of the process for this
7 of her filling out information and obtaining a
8 summons from the suspect's appearance in court, she
9 stated that she was fine with that.

10 I advised Lacey this report, her
11 statement would be forwarded to appropriate persons
12 and someone would follow up with her. Did I read
13 that correctly?

14 A. Yeah.

15 Q. Do you know who the black male
16 referred to in that statement is?

17 A. It was in the -- I don't know if
18 you saw it in the video per se, but I recall it
19 happening, I wasn't able to put a face to the person
20 because it happened so quick.

21 Q. Well, do you know if that person
22 was ever identified?

23 A. I don't think so. I don't think
24 they were identified because it was hard to catch it,
25 their face and everything else, with everything

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2 happening.

3 Q. Do you know if there was ever a
4 summons issued for that person, the unidentified
5 black male?

6 A. I do not know.

7 Q. At the bottom of this page there
8 is a December 5th, 2019 entry, do you see that?

9 A. Yes, I do.

10 Q. It appears to also be written by
11 Lieutenant Torres. Would you agree with me?

12 A. Yes.

13 Q. It says, at approximately twenty-
14 one twenty-eight hours, Lacey came to the station to
15 sign the accusatory instrument. She was advised that
16 a summons would be issued directing Erin to appear in
17 court. Did I read that correctly?

18 A. Yes, you did.

19 Q. Do you know if a criminal summons
20 was issued to Erin Snashall?

21 A. I do not know. I don't recall.

22 Q. Did you attend that court
23 appearance?

24 A. I never attended a court
25 appearance during my time at Binghamton.

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2 Q. Do you know the outcome of that
3 criminal case?

4 A. I do not know.

5 Q. Okay. Annette if we can move to
6 Bates-stamped pages seven and eight of this document?
7 Do you recognize this page, ma'am? And I'll state it
8 again, this is Exhibit JP Three Bates-stamped pages
9 seven and eight. This is seven we're looking at
10 right now.

11 A. I haven't seen this, but I'm
12 presuming something relating to our police reports.

13 Q. Let's move to page eight, next
14 page. At the top of the page there's entry under the
15 word narrative from a Mark Silverio. Do you know who
16 that is?

17 A. I do not.

18 Q. Do you know who Ethan Campbell
19 is?

20 A. Sounds familiar, but I don't
21 know.

22 Q. There's another narrative below
23 that, dated November 16th, 2019 by Orlando Torres
24 again. I'll read this one into the record. At
25 approximately six twelve hours, I met with Lacey

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2 Kestecher and John Lizak, both are resident students
3 at B.U. and members of the College Republicans Group.

4 They were both involved in the
5 incident that transpired November 14th and documented
6 in incident four zero four six seven. Each wished to
7 report claims of harassment and each have their own
8 incident and claim.

9 Lacey's incident will be detailed in
10 incident four zero five zero three. John stated that
11 at approximately six fifteen hours on 11/14/2019, he
12 observed a tweet that made him feel unsafe. The
13 tweet was a photo of himself at his tabling event
14 with the cardboard cutout of Donald Trump.

15 The tweet, the poster, who's Twitter
16 name is Idiot Dumbass, and handle is @cumguardian
17 states, this is a racist that goes to Binghamton
18 University, make him feel unsafe in public spaces.
19 Because this -- of this tweet John stated that he is
20 fearful of what could happen to him.

21 He's afraid people will recognize him
22 in public because of this tweet and possibly take
23 action against or harass him. A screenshot of the
24 tweet is attached and has been saved to the drive.

25 While John and Lacey were at the

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2 station, Lacey stated that her brother was able to
3 learn the I.P. address of the Twitter account
4 responsible for the tweet.

5 She stated that the name associated
6 with that I.P. is Ethan Campbell. It should be
7 noted, there is a commuter student currently
8 registered at Binghamton University by the name of
9 Ethan Campbell. Did I read that correctly?

10 A. Yes, you did.

11 Q. And were you present at the
12 meeting described in this paragraph I just read?

13 A. I -- I don't recall it, but if it
14 was written up, then I must have been.

15 Q. And at the bottom of that there's
16 another narrative just below that again, by
17 Lieutenant Torres dated November -- I'm sorry,
18 December 5th, 2019.

19 And that says that at approximately
20 twenty-one hundred hours, John came to the station to
21 sign the accusatory instrument. He's advised that a
22 summons would be issued directing Ethan to appear in
23 court in relation to these charges. Did I read that
24 correctly?

25 A. Yes.

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2 Q. Do you know if a criminal summons
3 was issued to Ethan Campbell?

4 A. I have no knowledge.

5 Q. Did you attend the court
6 appearance for Ethan Campbell, if any?

7 A. No.

8 Q. Did you -- do you have any
9 knowledge of the outcome of that criminal case?

10 A. I do not.

11 Q. Okay. Let's go to paragraph
12 nineteen -- I'm sorry, strike that. Let's go to --
13 back to Exhibit One of the complaint. And that's,
14 I'm looking at paragraph fifty-eight, which starts on
15 the bottom of page fourteen of Exhibit One. And I'll
16 read that into the record.

17 Fifty-eight, on Monday, November 18th,
18 2019, Rose issued a statement regarding the
19 disruption of College Republicans tabling event on
20 November 14th. Did I read that correctly?

21 A. Yes.

22 MR. MOORE: And let's put Exhibit
23 Nineteen up on the screen if we could, please? Can
24 you scroll down to the bottom of the page?

25 BY MR. MOORE: (Cont'g.)

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2 Q. Do you recognize that post, Ms.

3 Kestecher?

4 A. I do recall that being sent on

5 the B line.

6 Q. Is this the statement of Brian

7 Rose that is referenced in paragraph fifty-seven of

8 the complaint?

9 A. I presume so.

10 Q. Okay. I'm going to read this

11 third paragraph of this. And it reads, the College

12 Republicans an organization chartered by the Student

13 Association was joined by another group.

14 Group known as Turning Point that, by

15 its own choice is not chartered by the S.A. or

16 otherwise recognized by the University.

17 Representatives of the two groups set up tables

18 outside the union in a reservable space without

19 having followed procedures to properly secure use of

20 the space.

21 Representatives of the union

22 professional staff and of the S.A. notified the

23 tabling students that they were tabling without

24 reservation in a space that had to be reserved in

25 advance and asked them to relocate.

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2 The groups refused twice to move. The
3 groups' display included pro -- provocative posters
4 with gun imaginary. This being the same day as the
5 Saugus High School student shooting.

6 Self-evidently from the nature of
7 their display and their refusal to comply with
8 procedures for reserving the space in question, the
9 groups intended to be provocative.

10 Social media activities suggesting
11 they're handing out hot chocolate and promoting an
12 upcoming lecture failed to accurately represent the
13 context. Did I read that correctly?

14 A. Yes, you did.

15 Q. Okay. Is it accurate that
16 T.P.U.S.A was not chartered by S.A. on November 14th,
17 2019?

18 A. Yes, it -- it was not chartered.

19 Q. And is it accurate that the
20 College Republicans and T.P.U.S.A. followed -- failed
21 to follow procedures to properly secure use of the
22 space if you know?

23 A. I -- I wouldn't know.

24 Q. Do you remember representatives
25 of union professional staff or S.A. advising the

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2 College Republicans that you were tabling without
3 reservation in a space that had to be reserved in
4 advance?

5 A. As I mentioned previously, I
6 believe that it was a staff member who came down and
7 said we were within his jurisdiction of the area. So
8 there was that and I believe it was Khaleel James.

9 I think he was actually the
10 multicultural V.P. at the time, so I don't know why
11 he was coming towards us in the S.A. but he was the
12 other one who spoke with us.

13 Q. Did either of those people tell
14 you you were tabling without a reservation in a space
15 that had to be reserved in advanced?

16 A. I believe Khaleel did. I don't
17 know about the other man. He simply told us that it
18 was in his -- that area was in his jurisdiction and
19 it was getting quite loud, so if we could just move.
20 That was what I remember.

21 Q. Okay. Did both of them tell you
22 to -- ask you to relocate?

23 A. Well, one man did. I don't know
24 if Khaleel said to relocate or get a reservation,
25 but.

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2 Q. Did you relocate when you were
3 told by the other man to relocate?

4 A. No, we didn't because it's public
5 property and we were off to the side, so.

6 Q. Okay. So you refused to move, is
7 that a fair statement as stated in this statement?

8 MR. MILLER: Objection.
9 Mischaracterizes her testimony.

10 BY MR. MOORE: (Cont'g.)

11 Q. But you were asked to move,
12 correct?

13 A. We were asked to move, but we
14 were allowed to be there at the public property.
15 It's a public university and we were off to the side.

16 Q. Okay. So you did not move after
17 you were asked to, is that correct?

18 A. Couldn't move. We were getting
19 surrounded by students, so.

20 Q. That wasn't my question. After
21 you were asked to move, did you move?

22 A. I would have to qualify that.
23 First off, we couldn't move -- well, we didn't move
24 and we couldn't move. We were being surrounded by
25 students at that same time, so.

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2 Q. And we've already -- you've
3 already testified that T.P.U.S.A.'s table included
4 posters with gun imagery, correct?

5 A. Yes, it had gun -- gun imagery,
6 but it also had many other signs. So I -- I wouldn't
7 just say it was simply Two-A-related signs, there
8 were lots of other things there as well.

9 Q. Did -- was there a school
10 shooting the same day if you know?

11 A. Not that I was aware of when we
12 got out there tabling.

13 Q. Okay. Let's move back to the
14 complaint and I'm -- I'm going to direct your
15 attention to paragraph seventy-seven. And this reads
16 paragraph seventy-seven of Exhibit One.

17 On the day of the Dr. Laffer event,
18 Monday, November 18th, 2019, Plaintiff Y.A.F. and
19 College Republicans met with U.P.D. and cer --
20 certain SUNY Binghamton Administrators acting at the
21 direction of Defendants Stinger, Rose, and Pelletier.
22 Did I read that correctly, ma'am?

23 A. Yes.

24 Q. Were you present at this meeting?

25 A. No.

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2 Q. Okay.

3 A. I --.

4 Q. Let's move. Let's move on to
5 paragraph eighty-nine. Were you involved in any
6 meetings with SUNY Administration before the Laffer
7 event begin?

8 A. No, I was not.

9 Q. Paragraph eighty-nine reads from
10 Exhibit One. A few hours before the Dr. Laffer
11 event, Dr. Laffer and his aides arrived at a nearby -
12 - nearby airport.

13 Paragraph ninety, Y.A.F. was not the
14 only party there to greet them. However, as two
15 officers from U.P.D. arrived and intercepted Dr.
16 Laffer. Did I read that correctly, ma'am?

17 A. Yes.

18 Q. Were you present for the airport
19 meeting described in those paragraphs?

20 A. I was not.

21 Q. Let's go to paragraph ninety-
22 eight of the complaint. I'll read ninety-eight and
23 ninety-nine of the complaint, then I have some
24 questions. Ninety-eight, at least one hour before
25 the Dr. Laffer event was scheduled to begin, College

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2 Progressives and PLOT and their co-conspirators were
3 lined up outside the lecture hall and packed into the
4 adjacent lecture hall provided to College
5 Progressives by SUNY Binghamton Administrators.

6 Ninety-nine, once the door to the Dr.
7 Laffer event were opened, hundreds of students and
8 non-students, many of the members of College
9 Progressives and PLOT flooded in and packed the room.
10 Did I read that correctly?

11 A. Yes.

12 Q. Were you present when this
13 occurred?

14 A. Was.

15 Q. You know whether the people who
16 entered the lecture hall as described in these
17 paragraphs were members of College Progressive?

18 A. None of them are identifiable
19 from the day before with regards to the protestors.

20 Q. Well, my question was, do you
21 know if they were College Progressives? I think when
22 we talked about the tabling event, you had identified
23 Ms. Moorthy. Were -- were there any College
24 Progressives you recognized at the Laffer event?

25 A. From what I recall, I think

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2 Moorthy was also in that event as well, from what I
3 remember. But I -- I don't recall exactly. I wasn't
4 familiar with all of the group members of College
5 Progressives. I'd only been at Binghamton for a few
6 months at that point, so.

7 Q. I'm just asking because this
8 paragraph says many of the members of College
9 Progressives. Other than her, do you know any of the
10 -- if any of the people there were College
11 Progressives?

12 A. I didn't know the College
13 Progressives. She was the only one who I identified
14 during the tabling. From what I recall, I think she
15 was also at this, but I didn't really know any other
16 College Progressives besides her.

17 Q. Okay. How about PLOT? Do you
18 know anybody who's a member of the PLOT?

19 A. I -- I don't -- I don't know
20 anybody who's a member of PLOT

21 Q. Okay. So you don't know who the
22 people who are in the -- in the room were members of
23 PLOT that night?

24 A. No, I don't. I couldn't name or
25 identify people, but I could say that the pro --

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2 there were protestors.

3 Q. Have you already told me all of
4 the members you're aware of who were present from the
5 College Republicans at the Laffer event?

6 A. That's -- that's all I -- all I
7 recall.

8 Q. Other than those members of the
9 College Republicans that you've told me about who
10 were present at the Laffer event, did you know
11 anybody else who was present in the room when it
12 occurred?

13 A. I can't recall exactly. But I do
14 know that the first, I believe, it was two rows were
15 reserved for people who were -- we reserved to come
16 in first at the event or at least sectioned off, and
17 then, the rest was just protesters.

18 Q. Okay. So there were some re --
19 reserve seats at the front of the lecture hall?

20 A. I don't know if they were pre --
21 reserved per se, but I do know they were people that
22 were definitely interested in the event and weren't
23 protestors who were sitting there.

24 Q. Do you know the identity of any
25 of these people?

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2 A. I -- I can't recall.

3 Q. Well, my question is, as you sit
4 here today, do you know anybody who was present whose
5 name you know?

6 A. Not besides all of the people who
7 I've previously mentioned. I mean, I think Tommy
8 Gagliano was filming the event, but besides that, I
9 can't think of anything else.

10 Q. Okay. Let's go to the next page,
11 the top of page twenty-three of Exhibit One paragraph
12 one zero four. It reads, at the insistence of
13 College Republicans and Y.A.F., U.P.D. made one
14 statement about the size of the crowd and SUNY
15 Binghamton's fire code and asked those standing to
16 take their seats. Do you recall what was said?

17 A. I -- I don't know.

18 Q. Paragraph one zero seven a little
19 farther down the page. It reads, due to the size of
20 the crowd, several invited guests of Plaintiffs and
21 other interested students weren't able to enter the
22 lecture hall and attend the event. Did I read that
23 correctly?

24 A. Yes.

25 Q. Do you know who this refers to?

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2 A. I'm presuming all of the
3 protestors who filled the room because there were
4 countless other students who wanted to actually sit
5 in on the event, and they weren't able to.

6 Q. Well, do you know the names of
7 any of those people?

8 A. No, I didn't deal with the
9 signups or who was permitted into the event, that was
10 not within my jurisdiction.

11 Q. Was there a sign-up for the
12 event?

13 A. I don't know how the event was, I
14 didn't deal with any of that. I just showed up and
15 did my part of attending it, but I don't know how
16 people went about organizing it.

17 Q. Okay. You weren't involved in
18 the organization event?

19 A. Organization event, no. I was
20 not.

21 Q. Turning to one zero eight and one
22 zero nine on the same page of Exhibit One. Paragraph
23 one zero eight reads, the Dr. Laffer event started
24 promptly at seven thirty E.S.T. with John Restuccia,
25 the then President of College Republicans, providing

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2 a brief, two-minute introduction of Dr. Laffer.

3 One zero nine, during his
4 introduction, Restuccia asked those in attendance who
5 disagreed with Dr. Laffer's remarks to save their
6 questions for the question and answer portion. He
7 noted that such individuals would be more than
8 welcome to voice any disagreements at that time. Did
9 I read that correctly?

10 A. Yes.

11 Q. Is this a fair summary of what
12 Mr. Restuccia said?

13 A. This is.

14 Q. Okay. I'm going to direct your
15 attention to paragraphs one ten through one thirteen
16 and read those into the record. Paragraph one ten,
17 Dr. Laffer took the podium and just a few seconds in,
18 a member of Defendant College Progressives and or
19 Defendant PLOT stood up in the second row and began
20 shouting accusations at Dr. Laffer.

21 Yelling, we are tired of being
22 oppressed and we are tired of getting murdered by
23 this Trump Administration, that you, this man, this
24 liar, Dr. Laffer supports.

25 One eleven, the disruptor then accused

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2 Dr. Laffer of helping the Trump Administration
3 further racial oppression in a justice system that he
4 equated with modern day slavery. One twelve, the
5 majority of those present greeted these accusations
6 with applause and the disrupting student was handed a
7 megaphone and urge to continue.

8 One thirteen, although Pelletier and
9 U.P.D. had stationed several officers in the room,
10 pursuant to the speech suppression policy, they took
11 no action to prevent this student from disrupting the
12 event. Did I read this correctly, ma'am?

13 A. Yes.

14 Q. Do you know what the speech
15 suppression policy is?

16 A. I'm not aware.

17 Q. Have you ever read it?

18 A. No.

19 Q. Do you know if the individual,
20 we'll call him the megaphone disruptor. Was the
21 megaphone disruptor arrested by the police?

22 A. I -- I don't recall. I think a
23 few people were arrested that day. I don't know if
24 he was one of them. I don't recall.

25 Q. Was it a he or a she? Was it a

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2 he?

3 A. Yes, it was a man.

4 Q. Was he a student?

5 A. I don't know.

6 Q. Was he a member of College
7 Progressives if you know?

8 A. I do not know.

9 Q. Was he member of PLOT if you
10 know?

11 A. I don't know. But he was
12 certainly a protestor, I can say that.

13 Q. I know you said you don't know if
14 he was arrested. Did the police apprehend him?

15 A. I don't recall them doing
16 anything to stop him at that moment.

17 Q. So at no point did they take
18 action to keep him from disrupting the event?

19 A. I do not recall them taking any
20 action.

21 Q. The police moved towards the
22 speaker. We'll call him the megaphone disruptor.
23 The police moved towards the megaphone disruptor.

24 A. Sorry, are you asking if they
25 moved towards him?

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2 Q. Yeah.

3 A. I don't -- I don't recall.

4 Q. Did they ever reach him?

5 A. I don't recall. It was very
6 hectic with what was happening.

7 Q. If that individual was arrested,
8 would you agree with me that it is inaccurate that
9 they took no action to prevent this student from
10 disrupting the event?

11 MR. MILLER: Objection. Calls for
12 speculation.

13 MR. MOORE: You can answer.

14 THE WITNESS: Sorry, what was that
15 question again?

16 MR. MOORE: If that individual was
17 arrested, and by that individual, I mean, the
18 megaphone disruptor. Would you agree that it is
19 inaccurate that they took no action to prevent this
20 student from disrupting the event?

21 MR. MILLER: Same objection.

22 THE WITNESS: All I can say is that
23 they didn't take sufficient action to allow for the
24 event to go forth considering the disruptions that
25 were going on.

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2 BY MR. MOORE: (Cont'g.)

3 Q. Well, I'm asking about this

4 individual. You don't know if he was arrested,

5 right?

6 A. I -- I don't know. I -- we left

7 the room -- we left the room quite rapidly, so I

8 don't know what happened in regards to the arrest of

9 someone.

10 Q. If he was arrested, that's taking

11 action, right?

12 MR. MILLER: Objection. Calls for

13 speculation.

14 MR. MOORE: You can answer.

15 THE WITNESS: What exactly are you

16 asking then?

17 MR. MOORE: Is arresting someone

18 taking an action?

19 A. Concerning the event that was

20 forth going that was unable to go forth and had to

21 stop because it was being protested, so severely,

22 there was obviously not sufficient action being

23 taken.

24 MR. MOORE: Okay.

25 BY MR. MOORE: (Cont'g.)

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2 Q. So you'd agree that it is an
3 action, you just don't think it's a sufficient
4 action. Is that fair?

5 MR. MILLER: Objection.
6 Mischaracterizing her testimony.

7 BY MR. MOORE: (Cont'g.)

8 Q. Well, she didn't answer the
9 question. Is arresting someone taking an action,
10 ma'am? Yes or no?

11 A. Anything can be considered an
12 action at this point. In this regard, nonetheless,
13 the speaker was not able to speak and go forth.

14 MR. MOORE: Move to strike as non-
15 responsive.

16 BY MR. MOORE: (Cont'g.)

17 Q. Is arresting an individual taking
18 an action, yes or no?

19 A. It can be argued that it is an
20 action to some extent, but it's a question of was it
21 appropriate action, which in the event of that
22 happening, obviously, the event didn't go forth, had
23 to stop.

24 Q. Move to strike that. Any way,
25 we'll move on. I'll read one fourteen into the

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2 record and it reads, College Republicans were sitting
3 in the front row, stood up and displayed free speech
4 signs in response to the disruptors. Did I read that
5 correctly?

6 A. Yes.

7 Q. Did that occurred?

8 A. Yes, this did. Whether we were
9 standing up along the side or in the front row, that
10 happened.

11 Q. Displayed a free speech sign?

12 A. I did; I held a sign that I
13 believe said silencing speech is a form of fascism.

14 Q. Okay. Did you prepare that sign
15 prior to the Laffer event?

16 A. I didn't prepare the signs just -
17 - yeah. That's one of their signs, I believe.

18 Q. Produced by Y.A.F.?

19 A. Yes.

20 Q. Someone from Y.A.F. gave it to
21 you?

22 A. I don't know who gave it to me.
23 Somebody gave it to me.

24 Q. Well, who is that person?

25 A. I don't recall.

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2 Q. Was it Raj Kannappan?

3 A. I don't recall. It could have
4 been one of the College Republicans who handed it to
5 me. I don't know.

6 Q. Was there any discussion about
7 what to do with those signs when it was handed to
8 you?

9 A. No. I just -- I had the sign
10 with me. It was an event, so.

11 Q. And all of the College
12 Republicans there had a sign, correct?

13 A. I don't know if everybody did, I
14 had a sign. I can't speak on behalf of the others.

15 Q. Okay. Well, it says, the College
16 Republicans who were sitting in the front row, stood
17 up and displayed free speech signs in response to the
18 disruptors. Is that correct? And you said yes. Was
19 there a plan to display these signs before you did?

20 A. Well, the plan was to listen to
21 Dr. Laffer's speech.

22 Q. Okay. Was there a plan as it
23 pertained to the free speech signs?

24 A. I think that's just -- I don't
25 recall.

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2 Q. Okay.

3 A. I don't -- I don't remember.

4 Q. So did you all just stand up
5 spontaneously, turned around and display the free
6 speech signs, or was there a plan to do so before the
7 event commenced?

8 A. I don't recall there being a plan
9 to stand up in front of everybody and display the
10 signs.

11 Q. While the event was ongoing, did
12 someone tell you to stand up and display the sign
13 before it occurred?

14 A. From what I recall, it just
15 happened. As the protestors got louder and louder,
16 we just ended up standing there and holding up the
17 signs.

18 Q. Were there any texts, social
19 media posts, or emails about the plan to display
20 signs exchanged before the Laffer event?

21 A. No. I cannot recall anything.

22 Q. Was Defendant Brian Rose present
23 at the Dr. Laffer event?

24 A. I don't recall him being there.
25 I'm not sure.

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2 Q. Was Defendant Harvey Stenger
3 present at the Dr. Laffer event?

4 A. To the best of my memory, I don't
5 think he was there.

6 Q. You know if Defendant John
7 Pelletier was present at the Dr. Laffer event?

8 A. I don't recall.

9 Q. Did you have any conversations
10 with Chief Pelletier at the event?

11 A. I had not, no. Not from what I
12 remember.

13 Q. Did you hear Chief Pelletier say
14 anything to anyone at the event?

15 A. I don't recall.

16 Q. Did anyone from the U.P.D.
17 prevent you or any other member of the College
18 Republicans from displaying your free speech signs?

19 A. Not from what I recall.

20 Q. Did anyone else from Binghamton
21 University prevent the College Republicans from
22 displaying free speech signs?

23 A. From what I remember, I don't
24 believe so. We just stood up there with our signs
25 because the protestors were getting louder.

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2 Q. And no one prevented you from
3 doing so?

4 A. I don't recall. We were more
5 towards the front, so we just stood there with our
6 signs.

7 Q. Okay. Let's read paragraphs one
8 fifteen and one sixteen into the record, and it reads
9 as follows, one fifteen. The member of College
10 Progressives and, or PLOT spoke through the megaphone
11 for nearly two minutes before U.P.D. took any action
12 of restraining him.

13 One sixteen, ten to fifteen members of
14 College Progressives and PLOT then formed a
15 protective barrier around the megaphone wielding
16 disruptor. Did I read that correctly?

17 A. Yes.

18 Q. Do you who any of the members,
19 the ten to fifteen members of the College
20 Progressives and PLOT who formed the protective
21 barrier were?

22 A. I can't recall. And I'm not as
23 familiar as other people would have been with the
24 College Progressives and PLOT and identifying them.

25 Q. Do you know whether these people

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2 were members of the College Progressives or PLOT?

3 A. I -- I wouldn't know. I'm not
4 familiar.

5 Q. Do you know why they formed a
6 protective barrier around the speaker, the megaphone
7 disruptor?

8 A. All right. What was that
9 question again?

10 Q. Do you know why they formed a
11 protective barrier around the megaphone disruptor?

12 A. From what it appeared at the
13 event, it was so that the police could not interrupt
14 who was speaking. That's what I recall.

15 Q. Were the police attempting to
16 move towards the megaphone wielding disruptor at the
17 time they formed the barrier?

18 A. I don't -- I don't recall.

19 Q. Let's go to paragraph one
20 eighteen. Then reads these follows, during these
21 events, Pelletier, acting pursuant to the speech
22 suppression policy directed the Pinkerton agents to
23 remove Dr. Laffer from the lecture hall. Did I read
24 that correctly? Did you hear this occur?

25 A. I wasn't -- I didn't deal with

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2 anything to -- with that -- with regards to Dr.
3 Laffer or the security. So I -- I wouldn't know. I
4 don't have any information on that.

5 Q. You didn't hear that. Okay. You
6 don't have any information. You didn't hear what
7 happened, correct?

8 A. I -- I have no knowledge of any
9 of this. I didn't deal with anything relating to the
10 police or the security at the event.

11 Q. How long did you stand displaying
12 the free speech signs?

13 A. I -- I can't recall how long it
14 was. It wasn't very long though because soon after
15 Dr. Laffer left, we also left.

16 Q. Did you see Dr. Laffer leave?

17 A. Yes.

18 Q. Did you say yes?

19 A. I saw -- saw him walk out toward
20 -- in the exit.

21 Q. And what did you do next?

22 A. Recall soon after, to the best of
23 my memory, we followed him out of the building.

24 Q. Okay. Paragraph one twenty-two
25 reads as follows. This is of Exhibit One, page

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2 twenty-five. Pelletier and U.P.D.'s minimal and
3 delayed efforts eventually removed the disruptor with
4 the megaphone, but only after he handed off the
5 megaphone so that others could continue to disrupt
6 the event and block Plaintiff's expression.

7 Was the megaphone disruptor removed
8 before or after Dr. Laffer left?

9 A. I -- I don't recall. All I
10 recall is that the event was getting increasingly
11 louder, and the protestors were getting more
12 uncivilized in how they were acting and that's all I
13 remember.

14 Q. Did you personally feel unsafe?

15 A. I did, yes.

16 Q. Do you know if the megaphone
17 disruptor was arrested when he was removed by the
18 police as stated in paragraph one twenty-two?

19 A. I have no knowledge on what
20 happened with the megaphone.

21 Q. Do you have any personal
22 knowledge of whether anybody else was arrested?

23 A. I have no knowledge on that
24 front.

25 Q. Was any -- anyone from the

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2 College Republicans arrested by U.P.D.?

3 A. I don't -- I don't recall anybody
4 in College Republicans being arrested, so.

5 Q. Okay. When you left the lecture
6 hall, where did you go?

7 A. Out through the back exit. And
8 then, we just went off the campus and went out to
9 meet the College Republicans, so.

10 Q. Did you have any conversations
11 with Dr. Laffer after you left the lecture hall?

12 A. No. It was -- that was it. I
13 think he was leaving to go back home, so.

14 Q. You didn't hear any conversations
15 he had with anyone during this time?

16 MR. MILLER: I didn't hear that
17 response.

18 THE WITNESS: I didn't -- I didn't
19 recall anything.

20 BY MR. MOORE: (Cont'g.)

21 Q. And you went out to a restaurant
22 after that?

23 A. Yes, the College Republicans and
24 Cornell Republicans all just went out to eat, so.

25 Q. Let's go to paragraph one thirty

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2 of the complaint. Before I go to that, do you have
3 any knowledge regarding any criminal proceedings that
4 were initiated against anyone who was arrested at the
5 Laffer event?

6 A. I have no knowledge.

7 Q. Paragraph one thirty reads as
8 follows. Stenger and Rose did however cause SUNY
9 Binghamton to take any action against College
10 Republicans, the day after the University had once
11 again violated their constitutional rights. The
12 Student Association which is controlled by the SUNY
13 Binghamton Administration sent College Republicans a
14 two line email informing them that they were being
15 suspended due to their violation with both the
16 University and Student Association policy in regards
17 to tabling without proper approval on Thursday
18 November 14th. Did I read that correctly, ma'am?

19 A. Yes.

20 Q. And how do you know that Stenger
21 and Rose caused SUNY Binghamton to take any action as
22 it pertains to the College Republicans?

23 A. Sorry. Can you repeat that?

24 Q. Well, do you know whether Stenger
25 and Rose caused SUNY Binghamton to take actions

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2 against College Republicans?

3 A. I don't have any knowledge in
4 this regard.

5 Q. Okay. You don't know whether
6 they had any involvement in the suspension. Is that
7 correct?

8 A. I wouldn't know. I didn't deal
9 with any -- anything with regards to the suspension
10 of College Republicans. I had no -- I had nothing to
11 do with this.

12 Q. Okay. Can we put Exhibit
13 Thirteen up on the screen? You recognize this email,
14 Ms. Kestecher?

15 A. I don't. I don't recall this
16 email.

17 Q. Okay. Do you know what Campus
18 Reform, a project of the Leadership Institute is?

19 A. Yes. I do.

20 Q. What's that?

21 A. Campus Reform is a -- it is a
22 project as described with the Leadership Institute
23 which looks to report on bias on college campuses.

24 Q. Bias against who?

25 A. Pertains specifically to college

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2 students. Particularly, liberal bias.

3 Q. Okay. Did you or do you have any
4 involvement with Campus Reform, a project of the
5 Leadership Institute?

6 A. Previously I had. Not anymore.

7 Q. When did you have involvement
8 with that organization?

9 A. Around September or October of
10 2019 to maybe the following year. I interned with
11 them, so.

12 Q. Because you can sort of see in
13 the background of Exhibit Thirteen more clear,
14 perhaps, if I hold this up to the -- up to the
15 screen, you'll see that there's a background that
16 says, Campus Reform, a project of the Leadership
17 Institute. Do you see that on my screen?

18 A. I do.

19 Q. Do you know why this exhibit has
20 that background, is that something you printed out?

21 A. No. That was -- no.

22 Q. Nothing to do with you?

23 A. I recall -- I don't recall this
24 having anything to do with me.

25 Q. Do you know who Erin Bishop is?

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2 A. I don't recall.

3 Q. And who are the recipients of
4 this email?

5 A. I -- I don't know much about this
6 email. I didn't send it or have anything to do with
7 it.

8 Q. Okay. Well, do you have any
9 personal knowledge that Defendant Stenger caused the
10 Executive Vice-President of S.A. to take action
11 against the College Republicans by having the S.A.
12 suspend College Republicans?

13 A. Sorry. Can you -- can you
14 rephrase that?

15 Q. Do you have any personal
16 knowledge that Defendant Stenger caused SUNY
17 Binghamton to take action against the College
18 Republicans by having the S.A. suspend the College
19 Republicans?

20 A. I can't speak with any regard to
21 that. I wouldn't have any information.

22 Q. How about Brian Rose? Do you
23 have any knowledge that Brian Rose was involved in
24 causing S.A. to send this email that is marked as
25 Exhibit Thirteen?

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2 A. I wouldn't know and I also have
3 no dealings with the S.A., so.

4 Q. Do you -- did you respond to
5 this? Did you or anybody else from the College
6 Republicans respond to this email that we've marked
7 as Exhibit Thirteen?

8 A. I -- I don't know.

9 Q. Okay. You see that, that the
10 emails from the Executive Vice-President S.A. to the
11 College Republicans S.A., you see that?

12 A. Yes. I can see that.

13 Q. Okay. Do you know who from the
14 College Republicans received this email? I know --.

15 A. I don't -- I don't know. I don't
16 -- I didn't deal with that, anything to do with the
17 S.A. or the College Republicans so I can't -- can't
18 speak to that.

19 Q. Okay. Would you agree with me
20 that this says, good morning, I am emailing to inform
21 you that the B There account for College Republicans
22 has been suspended. You see that?

23 A. Yes, I see that.

24 Q. Do you know what the B There
25 account is?

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2 A. No. I don't -- I don't deal with
3 any of that. I didn't deal with any of that, so
4 never heard of it.

5 Q. Okay. Let's go to paragraph one
6 thirty-one of the complaint, this is on page twenty-
7 seven. And that reads upon information and belief,
8 Stenger, Rose, and the Student Association have not
9 required other groups to obtain approval before
10 tabling on campus. Did I read that correctly?

11 A. Yes.

12 Q. You know what other groups have
13 not been required to obtain approval before tabling
14 on campus?

15 A. All right. I don't have any
16 knowledge with regards to getting approval before
17 tabling. I don't know anything with this.

18 Q. Paragraph one thirty-two reads
19 this punishment -- punishment was an unconstitutional
20 enforcement of the University's tabling policy
21 because it was motivated not by College Republicans'
22 decision not to obtain -- obtain a permit, but by
23 Stenger, Rose, and the Student Association's
24 disagreements with the College Republicans and
25 Y.A.F.'s views. Did I read that correctly?

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2 A. Yes.

3 Q. Do you know whether Defendant
4 Stenger disagreed with the College Republicans'
5 views?

6 A. I can't speak with regards to his
7 views.

8 Q. Do you know that -- whether
9 Defendant Rose disagreed with the College
10 Republicans' views?

11 A. I don't know.

12 Q. Is it correct that the College
13 Republicans B There account was suspended, not the
14 group itself?

15 A. I didn't -- I have no idea on
16 this front. I -- I don't know.

17 Q. How long was the College
18 Republicans B There account suspended for? You're
19 shaking your head but I can't hear what you're
20 saying.

21 A. Oh, I -- I don't know. I don't -
22 - I don't have any information with regards to this.

23 Q. Was any effort made to appeal
24 that suspension? Do you know?

25 A. I don't know. I have no idea.

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2 Q. Were the College Republicans a
3 functioning group at anytime after November 21, 2019?

4 A. Oh, what exactly do you mean by
5 function?

6 Q. Well, did the College Republicans
7 exist as a student group after November 2019?

8 A. I recall us being suspended but
9 still having a group chat to whatever extend that
10 was. But we were suspended, so the group was
11 basically not -- not part of the campus at that
12 point.

13 Q. But -- well, do you know whether
14 this -- the College Republicans group's status as a
15 B.U. student group was restored at any point while
16 you were still a student?

17 A. I don't know. I don't recall.

18 Q. Okay. Let's see if we can
19 refresh your recollection. Can we put on Exhibit
20 Thirty up on the screen, please? This is Exhibit
21 Thirty which has been marked with today's date. At
22 the bottom of this page, there appears to be July
23 10th, 2020 email from Lacey Kestecher to Ryan Yarosh.
24 Do you recognize this email, ma'am?

25 A. Yes. I did send this.

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2 Q. And who -- who sent this email?

3 A. I did.

4 Q. Did the B.U. College Republicans
5 re-register as a Student Organizations in spring,
6 2020?

7 A. I don't know. I didn't -- I
8 didn't deal with any of that.

9 Q. Who is Ryan Yarosh?

10 A. I don't know. I can only go
11 based off of this email who he is.

12 Q. You emailed him, correct?

13 A. I did. But I don't -- I don't
14 recall. It's been three years now.

15 Q. Do you know why you emailed him
16 as you sit here today?

17 A. Well, presumably from the email
18 it's because I didn't see College Republicans on the
19 B Engaged page, so.

20 Q. I'm going to read the email into
21 the record, it says, good morning. Can you provide a
22 reason as to why the College Republicans is no longer
23 on the B Engaged page? It doesn't appear to be
24 chartered by Binghamton University in New York. Can
25 you provide more details on this? I look forward to

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2 hearing from you, Lacey Kestecher. You wrote that,
3 correct?

4 A. Yes, I did.

5 Q. Did you recall why you addressed
6 it to Mr. Yarosh?

7 A. I -- I don't know. I don't
8 recall.

9 Q. Did he respond to you?

10 A. I don't -- I don't recall.

11 Q. You know what he did after
12 receiving this email?

13 A. I don't remember.

14 Q. What's that?

15 A. I -- I don't remember what he did
16 in regards.

17 Q. Did you send this email or a
18 similar version of this email to any other
19 recipients?

20 A. I don't -- I don't remember.

21 Q. Okay. Let's go to paragraph
22 thirty-one, marked for identification today. I'll
23 state for the record that Exhibit Thirty which we
24 just discussed was on the State Defendant's
25 disclosure as Bates-stamped page seven sixteen.

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2 Exhibit Thirty-one is from S.A.'s disclosure. And
3 this is Bates-stamped pages E seventeen through
4 nineteen.

5 I'm going to direct your attention to
6 the middle of Bates-stamped page eighteen. I'm at
7 the bottom of the next page.

8 THE REPORTER: The Bates stamp is
9 under the WebEx things so I can't really see it.
10 Sorry.

11 MR. MOORE: So it's that page, you see
12 an email at the bottom there.

13 THE REPORTER: Okay.

14 MR. MOORE: Right there. Can you
15 scroll up just a little bit, please?

16 BY MR. MOORE: (Cont'g.)

17 Q. Okay. I'm directing your
18 attention to Bates-stamped page E eighteen from
19 Defendant's Exhibit Thirty-one.

20 A. Okay.

21 Q. And do you recognize that email
22 that's on the screen?

23 A. That one that, presumably, the
24 one that I wrote?

25 Q. So it's from Lacey Kestecher and

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2 the email address is lkestcl@binghamton.edu. Did you
3 send that email on July 10th, 2020 at eight thirty-
4 four a.m.?

5 A. Yes. I did. It's my email.

6 Q. And it looks like it's addressed
7 to getinvolved@binghamtonsa.org, and also,
8 president@binghamtonsa.org. Is that correct?

9 A. Yes.

10 Q. And is that, essentially, in sum
11 and substance the same email you sent to Ryan Yarosh
12 from the University?

13 A. Yes, I believe it's the same
14 email.

15 Q. Okay. And scrolling up just a
16 little, there's a response from Matt Johnson that
17 reads, that's a -- from about six minutes after you
18 sent your email.

19 And it says, they failed to re-
20 register their organization during the annual
21 registration process. Despite the E.V.P. reaching
22 out to the @binghamtonsa.org account and all the
23 individual listed officer emails multiple times.

24 As an inactive org, they have been
25 frozen and had their B Engaged listing hidden until

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2 they meet with the E.V.P. to set up a success plan to
3 remain compliant and prevent this from happening
4 again.

5 This is the same process as all S.A.
6 organizations that fail to complete re-registration
7 must go through. Did I read that correctly?

8 A. Yes.

9 Q. Did anyone from the College Re --
10 anyone else from the College Republicans inquire as
11 to the status of the College Republicans B Engaged
12 account other than you?

13 A. I don't recall. But I think
14 there is some questions, but I don't -- I don't
15 remember.

16 Q. Do you know who asked those
17 questions?

18 A. No. I don't recall.

19 Q. Okay.

20 MR. MILLER: John, I just want to
21 clarify that I -- I'm not sure whether Ms. Kestecher
22 or anyone else from the College Republicans was on
23 this email from Matt Johnson, I just want to note
24 that for the record.

25 MR. MOORE: I'm not clear on that

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2 either. So I'll -- I'll ask her.

3 BY MR. MOORE: (Cont'g.)

4 Q. Do you -- did you receive this
5 email from Matt Johnson, Ms. Kestecher?

6 A. I don't recall receiving this
7 email.

8 Q. Okay. Fair enough. Then, let's
9 go to Exhibit Thirty-two.

10 MR. MOORE: Annette, I'm going to be
11 looking at the email at the top of the -- the first
12 page there. So try to get the full email on there.

13 THE REPORTER: So this one.

14 BY MR. MOORE: (Cont'g.)

15 Q. I'm showing you what's been
16 marked as Defendant's Exhibit Thirty-two with today's
17 date. This is an email dated Friday, July 10th, 2020
18 at ten ten a.m. It appears to be from
19 knelson8@binghamton.edu to evp@binghamtonsa.org and
20 vpf@binghamtonsa.org. Do you recognize this email,
21 ma'am?

22 A. Both Kyle's, so yes.

23 MR. MOORE: All right. I'll state for
24 the record also, this is Bates-stamped pages A
25 sixteen through eighteen. This is from S.A.'s

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2 disclosure.

3 MR. MILLER: Sorry. John, are you
4 asking if she received this email or what are you
5 asking, you're asking if she recognizes it?

6 MR. MOORE: Yeah. Yeah. I'm going to
7 ask that.

8 MR. MILLER: All right.

9 BY MR. MOORE: (Cont'g.)

10 Q. Did you ever receive -- did you
11 know Kyle had sent this email?

12 A. Yeah. I don't -- I don't know
13 anything regards to this email being sent. I just
14 know Kyle, that's it. I don't know anything about
15 this email.

16 Q. We've already talked about Kyle
17 Nelson. He was one of the College Republicans
18 members.

19 A. Yes. I don't know anything about
20 this email though.

21 Q. Okay. And you didn't know if he
22 sent this email at the time?

23 A. No. I don't recall anything with
24 this.

25 Q. Now, it looks from the first

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2 paragraph, it says, hello, my name is Kyle Nelson.
3 And I'm the Treasurer of the College Republicans at
4 Binghamton University. I am reaching out to you in
5 regard to our club's account being frozen due to
6 failure to re-register or inactivity. Did I read
7 that correctly? You said yes?

8 A. Yes.

9 Q. And the second paragraph, I'm not
10 going to read the whole thing into the record. There
11 appears to be an explanation from Kyle as to why the
12 College Republicans didn't re-register. Do you know
13 if that paragraph is accurate?

14 A. I don't know anything about this
15 email. I can't --.

16 Q. Okay. You already said that but
17 if you read that paragraph that -- and I'll read it
18 into record if you want. It says during the previous
19 school year in between semesters, extenuating
20 circumstances led to our club selecting a new
21 Executive Board to represent and oversee our club's
22 activities. This created confusion surrounding vital
23 club information such as account information,
24 passwords, and over -- overall familiarity with the
25 current situation following the S.A.'s decision to

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2 give our club a one semester ban as a result of what
3 unfolded during our tabling speaking events. This
4 confusion and lack of clarity for our club's new
5 officers prevented us from completing the necessary
6 steps in a timely fashion, as well as limited our
7 ability to maintain consistent account activity. Did
8 I read that correctly?

9 A. Yes.

10 Q. And Kyle wrote this. Not you,
11 correct?

12 A. It's Kyle who wrote this.

13 Q. Do you know if that's accurate,
14 what he wrote in that paragraph I just read into the
15 evidence?

16 A. I didn't deal with anything with
17 the S.A. I have -- I have nothing to do with
18 anything with them, with chartering or anything in
19 that regard.

20 Q. You did sent an inquiry to them
21 on the same day, correct? We just talked about that
22 in Exhibit Thirty-one?

23 A. Yes, I did. But I didn't
24 actually deal with the S.A. in regards to any of the
25 organizational details.

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2 Q. S.A. never emailed you in

3 response to your email on July 10th, 2020?

4 A. I don't remember. I just -- I

5 didn't deal with actually maintaining the

6 organization itself. That wasn't my duty, the

7 College Republicans.

8 Q. Okay. Well, let's just focus on

9 the question I asked. I've read this paragraph that

10 Kyle wrote to the Binghamton S.A. Do you know

11 whether what he wrote is accurate or not? And if you

12 don't know, that's fine too.

13 But I've asked you to read the -- the

14 paragraph. I'm wondering if what he writes there is

15 accurate. If you know.

16 A. I -- I didn't deal with any of

17 this. I know there -- I know there was a lot of

18 confusion that were going on. So I would say it was

19 accurate with regards to what happened. Yes. It was

20 very confuse -- I would say it was -- it was very

21 confusing at the time, what was going on with the

22 Board, the Organization, with the suspension and

23 everything else.

24 So I would say this is overall an

25 accurate display of what happened and a lot of us

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2 didn't know what was really going on. There was a
3 lot of different parts, so.

4 Q. The next paragraph reads our
5 currently elected Executive Board members are as
6 follows. And it list four members. President Jon
7 Lizak, Vice-President Logan Blakeslee, Treasurer Kyle
8 Nelson, Secretary Lacey Kestecher.

9 My question for you is as of July
10 2020, was that the Executive Board of the College
11 Republicans?

12 A. I don't remember but presumably
13 this was -- I don't remember though. It's -- it's
14 been years now.

15 Q. Well, it's been -- this is July
16 of 2020. Do you know whether you were the Secretary
17 of the College Republicans in July of 2020? Was that
18 your position as an Executive Board member of the
19 College Republicans?

20 A. I don't remember. There was --
21 it was hard with the organization itself with the
22 suspend.

23 Q. Okay.

24 A. And it was an online environment,
25 so I don't really recall what was going on.

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2 Q. Okay. Let's move on to the

3 Exhibit S.A. dash Fourteen. Do you have that one?

4

5 Exhibit that's been marked as S.A.
6 Fourteen at a previous exhibit and if we scroll down
7 just a little bit, we see your Friday July 10, 2020
8 eight thirty-four a.m. email, correct?

8 A. Yes.

9 Q. And that's an email you sent to
10 the Binghamton S.A. correct?

11 A. Yes, I did.

12 Q. And you said earlier you don't
13 remember if you got a response from the S.A. correct?

14 A. I don't recall.

15 Q. Okay. Let's scroll to the bottom
16 of this page and the top of the next page. And I'll
17 state for the record that S.A. Fourteen is Bates-
18 stamped pages A thirteen through fifteen of S.A.'s.
19 emails. And do you see an email there dated July
20 14th, 2020 at three forty-seven p.m. from E.V.P. at
21 Binghamton S.A. to you?

22 A. Yes.

23 Q. Did you receive this email?

24 A. Presumably, I did.

25 Q. Are you able to access this email

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2 account anymore?

3 A. I do. I don't use it though.

4 Q. Okay. Well, it's
5 lkestec1@binghamton.edu. You're able to access that
6 email account?

7 A. Yes, I could get access to it.

8 Q. Okay. I'm going to ask if you
9 can access that email and find any emails that you
10 sent to or from any of the Defendants in this matter
11 and that includes B.U., Defendant's Stenger, Rose, or
12 Pelletier, and the S.A. I'll follow up with a
13 request for that in writing, Steve.

14 MR. MILLER: All right. Thanks, John.

15 MR. MOORE: And Steve, the other thing
16 we could do is get an authorization from Ms.
17 Kestecher to access her email for Binghamton.edu and
18 find it that way. We'll leave that up to you. But
19 I'll put that in the request as well.

20 MR. MILLER: Sorry, what -- what do
21 you mean by that? Do you mean -- you mean authorize
22 the university to do a search?

23 MR. MOORE: Yeah.

24 MR. MOORE: I think we've discussed
25 that with respect to a couple of -- with Mr.

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2 Restuccia as well at his deposition.

3 MR. MILLER: Okay.

4 MR. MOORE: Yeah -- but --.

5 MR. MILLER: Just put that in writing
6 and we'll -- we'll consider it after -- afterwards.

7 MR. MOORE: And obviously, I'll state,
8 you know, if we -- we were to obtain any emails, we'd
9 send you full copies of anything we do obtain.

10 MR. MILLER: Okay.

11 BY MR. MOORE: (Cont'g.)

12 Q. So in this email from -- it looks
13 like it's from somebody named Maggie Koekkoek, K-O-E-
14 K-K-O-E-K. Do you know who that is?

15 A. No, I do not know.

16 Q. Okay. And then, in her bottom
17 email which she describes as a response to Kyle
18 Nelson, it says based on our policies member of -- of
19 your E-Board will need to meet with me to have a
20 quick discussion about what has happened and how
21 we'll make sure that your group has support and good
22 management going forward. Do you know if that
23 meeting ever occurred?

24 A. I -- I -- I have no knowledge.

25 Q. Let's move on to Exhibit Thirty-

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2 three. I'll state for the record that Defendant's
3 Exhibit Thirty-three marked for identification today
4 is bates stamp pages A ten through A twelve of
5 Defendant S.A.'s disclosures.

6 And at the top of that page, there's
7 an email from Jon Lizak to evp@binghamtonsa.org. Is
8 that correct?

9 A. Yes, it is.

10 Q. And it says, hi, Maggie, I am the
11 President of College Republicans. I would like to
12 have that meeting you mentioned to Kyle and Lacey
13 about reinstatement for my club. Thank you, Jon
14 Lizak. Did I read that correctly?

15 A. Yes.

16 Q. Does this refresh your
17 recollection as to whether that meeting occurred?

18 A. I -- I don't know anything about
19 the meeting. I didn't -- I didn't handle stuff with
20 the S.A. I didn't get myself involved with that
21 front, so.

22 Q. Okay. Well, you did send and
23 receive from email -- some emails from S.A. correct?

24 A. Yes, I did send some emails but I
25 never handled meetings or anything with booking or

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2 anything like that.

3 Q. Okay. So you didn't attend any
4 email -- the email referenced by Maggie and Jon Lizak
5 in these emails?

6 A. A meeting, no, I -- I never had a
7 meeting with the S.A. I don't ever recall attending
8 any meetings.

9 Q. Let's see if we can refresh your
10 recollection. We'll go to Exhibit Thirty-four. And
11 I'll state for the record that this is

12 Bates-stamped pages eight and nine of
13 S.A.'s disclosure and this is Exhibit Thirty-four
14 marked with today's date.

15 This appears to be another email from
16 Mr. Lizak to the Executive Vice President of S.A.
17 correct?

18 A. Yes.

19 Q. That's dated September 24th,
20 2020, correct?

21 A. Yes, yes.

22 Q. And it says, hi, Maggie, thank
23 you for the meeting. My main takeaway was that, in
24 order for my club to return to normalcy, all I need
25 to do is send you the names of my E-Board and attend

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2 Sunday's training session. Is that a fair
3 conclusion?

4 And then, there's that same list of E-
5 Board members which includes you as secretary,
6 correct? Yes?

7 A. Yes.

8 Q. Okay. Did you -- you did not
9 attend that meeting between Jon and Maggie?

10 A. No, no, I did not. Not from what
11 I recall.

12 Q. And then, if we go back to the
13 bottom of this -- we'll go to the bottom of this
14 page. There's an email that says from the Executive
15 Vice President in S.A. to Jon Lizak. It says your
16 page is all set so your whole E-Board should have
17 admin access. Let me know if you have any other
18 questions, best, Maggie. And that's dated Thursday,
19 September 24th, 2020. Is that correct?

20 A. Yes.

21 Q. Does this refresh your
22 recollection that the College Republicans was
23 restored as a student group with B There access as of
24 September 24th, 2020?

25 A. I don't know. I -- I never had

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2 any dealings with B There or administrative work with
3 College Republicans. I -- I can't say anything on
4 this front.

5 Q. So it might have been restored as
6 of that date. It might not have been restored as of
7 that date. You just don't know as you sit here
8 today. Is that fair?

9 A. Yes, that's fair. I -- I don't
10 know.

11 Q. Okay. Let's look at another
12 email you sent. This is marked as Defendant's
13 Exhibit Thirty-five, marked with today's date. And
14 this is Bates-stamped page seven twenty from the
15 State Defendant's disclosure. It appears to be an
16 email from you to Brian Rose.

17 And it reads -- it's titled Student
18 Association. Reads, in the past week -- it says,
19 good afternoon. In the past week, myself and two
20 fellow conservatives have noticed a common theme that
21 we are not receiving emails from the Student
22 Association.

23 We found this out when we did not
24 receive their email sent out last night on the S.A.
25 line but we instead received the email from other

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2 students forwarding it to us. College Republicans
3 has also been removed from the B-line list.

4 Next paragraph. Given these
5 developments, we have concerns that the S.A. has
6 purposefully been removing known conservatives from
7 their email list. I'm taking this up to a higher
8 position, for the S.A. has not been responsive to my
9 emails regarding other club matters. Thank you,
10 Lacey Kestecher.

11 Did I read that correctly?

12 A. Yes.

13 Q. This is dated Tuesday, July 14th,
14 2020 at two twenty-two p.m., correct?

15 A. Yes.

16 Q. The S.A. did respond to you the
17 same day, correct?

18 A. I -- I don't recall.

19 Q. Did Brian Rose respond to your
20 email?

21 A. I -- I don't recall -- I don't
22 recall anything with responses and what not. It's
23 been three years or so or what not, I don't really
24 remember.

25 Q. So he might have responded, he

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2 might not have responded. You just don't remember as
3 you sit here today?

4 A. I -- I don't remember.

5 Q. Let's go on to paragraph thirty-
6 six. And this is from the State Defendant's
7 disclosures, Bates-stamped pages seven twenty-one
8 through seven twenty-five.

9 MR. MILLER: John, do you mind if we
10 take a short break?

11 MR. MOORE: Oh, sure. It's three
12 o'clock, three zero one right now. I don't have a
13 huge amount to go. So let's take five minutes now
14 and I should be able to finish up pretty quickly,
15 Steve.

16 MR. MILLER: All right. Sounds good.

17 MR. MOORE: Okay.

18 MR. MILLER: Thanks. We'll go --
19 we'll come back at three zero six. Does that sound
20 good?

21 (Off the record; 3:01 p.m. to 3:08
22 p.m.)

23 BY MR. MOORE: (Cont'g.)

24 Q. We're referring to Defendant's
25 Exhibit Thirty-six which I had stated was State

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2 Defendant's Bates-stamped pages seven twenty-one
3 through seven twenty-five when I last -- when we're
4 last on the record.

5 And I'm going to direct your
6 attention, Ms. Kestecher, to the very last page of
7 this. And an email dated July 14th, 2020 at seven
8 fifty-three p.m.

9 If you scroll up just a little there,
10 please, so we can see the to from. This is from
11 Brian Rose to Lacey Kestecher, CC to Randall Edouard.
12 Do you see that?

13 A. Yes, I do.

14 Q. Did you receive that email, Ms.
15 Kestecher?

16 A. Presumably, I -- I don't remember
17 though.

18 Q. It reads, Hi, Lacey, thanks for
19 bringing your concern to our attention. I have asked
20 our dean of students to be in contact with the S.A.
21 and he will follow up with you. We contacted the
22 S.A. once before recently around something similar on
23 your behalf. I don't remember the specifics.

24 They were responsive, so I don't
25 believe there was any intentional conduct here.

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2 Regardless, we will work through with them whatever
3 process they use to populate the Listserv so as to
4 ensure it is complete. Sincerely, Brian Rose.

5 Does this refresh your recollection
6 whether you received this?

7 A. I -- I presume I received it if
8 it was to my email. I don't remember though.

9 Q. Okay. Can you search your email
10 to confirm that you did receive it, please? Confirm
11 that in writing.

12 MR. MILLER: Sorry, John, you're going
13 to put that in writing?

14 MR. MOORE: Sure.

15 BY MR. MOORE: (Cont'g.)

16 Q. Do you know what steps were taken
17 by Brian Rose or the Dean of Students in response to
18 your email to Brian Rose?

19 A. No, I -- I -- no recollect --
20 recollection or any idea of what was taken on their
21 behalf.

22 Q. Okay. Let's go to Exhibit
23 Thirty-seven. I will state for the record that
24 Exhibit Thirty-seven is S.A. Bates-stamped pages D
25 one through seven. This is a large number of emails.

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2 But since you've been provided with this email before
3 the deposition, did you recognize any of the emails
4 in this chain?

5 A. Which emails in particular?

6 Q. Well, let's -- let's go to pages
7 five through seven and this appears to be an email
8 dated Thursday, July 16th, 2020 at twelve forty-nine
9 p.m. from Matthew Johnson to you with a couple of
10 other individuals copy.

11 Did you receive this email? And it's
12 a lengthy email and it covers almost three pages.

13 A. My email is listed. I presume I
14 did. I don't -- I don't remember this email.

15 Q. Okay. Well, again, I'm going to
16 ask that you review your SUNY email address to
17 confirm that you received this and I'll follow up in
18 writing, okay, Steve?

19 MR. MILLER: Yeah, yeah, please put
20 that in writing. Thanks.

21 MR. MOORE: The first sentence of this
22 reads, your message to Vice President Rose was
23 forwarded to me to look into as a professional staff
24 member within the Student Association, and then, it
25 goes on pretty -- with a significantly long email

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2 there.

3 Do you know one way or the other
4 whether it would be -- the large amount of
5 information in this email from Matthew Johnson is
6 accurate or not? You can take your time and read it
7 if you want.

8 MR. MILLER: Yeah, Lacey, please --
9 please read through this email before you answer any
10 question.

11 THE REPORTER: If you need me to
12 scroll just let me know when to go.

13 THE WITNESS: Read through the
14 entirety of it?

15 BY MR. MOORE: (Cont'g.)

16 Q. Sure.

17 A. Okay. Could you scroll a bit
18 down? Can you scroll again, sorry? Can you scroll a
19 bit further? Can you scroll further? And what --
20 what was the question with regards to this email?

21 Q. We'll start again. Have you now
22 read Mr. Johnson's June 14, 20 -- let me make sure I
23 have the right date here. Have you reviewed Mr.
24 Johnson's July 16th, 2020 email to you?

25 A. Yes.

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2 Q. Does this refresh your
3 recollection whether you received this email?

4 A. I think I recall receiving it. I
5 -- I don't really remember my emails from three years
6 ago.

7 Q. Is there any -- following your
8 review of this email, is there anything in this email
9 which is inaccurate as far as you know?

10 A. I can't speak with regards to the
11 accuracy of the email. All I remember at this time
12 was that I wasn't receiving emails, I believe, from -
13 - I missed something from B-line which was kind of
14 strange and a few other conservative leaning students
15 had as well. So that's all I recollect.

16 Q. After you brought this to the
17 attention of S.A. was that problem corrected?

18 A. I -- I don't recall. I -- I
19 can't -- I can't remember.

20 Q. Did you respond to Mr. Johnson's
21 email that you just read?

22 A. I don't remember.

23 Q. Did you forward Mr. Johnson's
24 response to anybody else from College Republicans?

25 A. I don't recall.

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2 Q. Okay. Let's go back to the

3 complaint, which is Exhibit One. I've just got a few

4 more questions and I should be done with you.

5 Paragraph one thirty-four, which is on page twenty-

6 seven of Exhibit One.

7 It reads, one thirty-four, Plaintiffs

8 College Republicans and Lizak met with Defendants

9 Stenger and Rose on January 20, 2020 to discuss the

10 tabling incident and the Dr. Laffer event. This

11 meeting was facilitated by Congressman Thomas Reid,

12 the U.S. representative for New York's 23rd

13 Congressional District, who also attended. Did you

14 attend this meeting?

15 A. Yes, sir.

16 Q. But first of all, did I read that

17 -- that paragraph correctly?

18 A. Yes, you did.

19 Q. Did you attend this meeting?

20 A. I -- I was at this meeting.

21 Q. Did you know that there was a

22 recording of this meeting?

23 A. Yes.

24 Q. Who made that recording?

25 A. One of us that were there, I

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2 don't -- I don't recall who it was.

3 Q. Was it you?

4 A. I -- no, I -- I don't think it
5 was me because I would've had it -- I don't -- I
6 don't think I have it. It might have been -- I -- I
7 can't recall. I think it -- I don't really know.

8 Q. Well, who was at the meeting
9 besides you?

10 A. Me, Kyle, Jon Lizak, one of the
11 Leadership Institute Reps and Taylor Ziniski.

12 Q. From Turning Point U.S.A.?

13 A. Yes. And I believe that was all.
14 Preston, I think, was also there.

15 Q. And you don't know who recorded
16 the meeting?

17 A. From what I recall, I think it
18 might have the Leadership Institute Rep or it might
19 have been Taylor. I don't know. It was on -- it was
20 on somebody's phone. I think it was one of the two
21 of them.

22 Q. Okay.

23 A. I think it was the L.I. Rep but -
24 -

25 Q. Okay. Did the person who

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2 recorded it tell all of the participants in the
3 meeting that they were recording it?

4 MR. MILLER: Objection, asked and
5 answered. She said she doesn't know who recorded the
6 meeting.

7 BY MR. MOORE: (Cont'g.)

8 Q. Okay. But she knows it was
9 recorded. Do you remember the participants of the
10 meeting being told that it was being recorded during
11 the meeting?

12 A. I don't recall us saying that we
13 were recording.

14 Q. So the answer is, no, they were
15 not told.

16 MR. MILLER: Objection.
17 Mischaracterizing the witness's testimony.

18 BY MR. MOORE: (Cont'g.)

19 Q. Okay. Besides the individuals
20 you listed, was Senator Reid there? Representative
21 Reid, was he present at the meeting?

22 A. Oh, yes. I forgot about him. He
23 was there as well.

24 Q. Was Defendant Rose in the
25 meeting?

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2 A. Yes, Rose as well.

3 Q. Was Defendant Stenger in the
4 meeting?

5 A. Yes.

6 Q. Were Defendants Stenger and Rose
7 told the meeting was being recorded prior to or
8 during the meeting occurring?

9 A. My recollection, I don't believe
10 so.

11 Q. Let's go to paragraph one forty-
12 five which is on page thirty of seventy-five. And
13 this reads, one forty-five, by failing to perform
14 their constitutional duty to protect Plaintiffs' free
15 speech activity in the form of the Dr. Laffer Event,
16 and by actively encouraging, participating in, and
17 permitting the disruption of that event, Stenger,
18 Rose, and Pelletier caused financial damages to the
19 Plaintiffs totaling thirty-seven thousand seven
20 hundred and seventeen dollars and ninety-three cents.

21 This total includes Dr. Laffer's
22 honorarium, transportation, and private security,
23 Y.A.F.'s flights, transportations, meals, and
24 accommodations, and the hiring of an event
25 photographer and mailing of marketing materials. Did

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2 I read that correctly?

3 A. Yes.

4 Q. Do you know who paid this thirty-
5 seven thousand dollars and change?

6 A. I didn't deal with any of the
7 financial aspects of this event. I don't -- I don't
8 know.

9 Q. So you don't know if this came
10 from Y.A.F. funds or -- or College Republican funds
11 or something else?

12 A. I didn't -- I didn't deal with
13 finances. I mean, I -- there was other people in the
14 organization who dealt with all of this, so that
15 wasn't my duty.

16 Q. Who were those people?

17 A. Whoever was on the board at that
18 time in College Republicans. I had -- I didn't deal
19 with getting the event together. I didn't deal with
20 finances.

21 Q. Okay. Paragraph one forty-six
22 reads, Plaintiffs desire to once again host Dr.
23 Laffer and similar speakers on SUNY-Binghamton's
24 campus. However, Plaintiffs reasonably fear if they
25 do, Stenger, Rose, and Pelletier will again enforce

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2 the Speech Suppression Policy to conspire with,
3 encourage, and permit disruptors (including College
4 Progressive and PLOT) to engage in disruptive and
5 disorderly conduct designed to suppress Plaintiffs'
6 message. Did I read that correctly?

7 A. Yes.

8 Q. Have the College Republicans
9 attempted to host another speaker since November of
10 2019?

11 A. I -- I don't know. I --.

12 Q. Well, did the College Republicans
13 attempt to host another speaker during your time at
14 Binghamton University before you graduated?

15 A. To the best of my recollection, I
16 don't recall.

17 Q. Okay. I'm going to put -- I'm
18 going to ask Annette to put Exhibit Fifteen up on the
19 screen. Go to the second page and the top of the
20 second page. This is the Defendant's disclosure of
21 documents page and stop right there.

22 And we've identified a recording in
23 this. You see a web address there, a twitter.com
24 address. Do you see that?

25 A. Yes.

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2 Q. Okay. I'm going to ask that you
3 listen to a recording. Amanda, if you can share that
4 and play it for the witness and then, I'll ask you
5 some questions about it.

6 MS. KURYLUK: All right.

7 MR. MOORE: But I'll -- I'll represent
8 for the record that this is the twitter.com recording
9 referenced in Exhibit Fifteen.

10 THE REPORTER: I don't -- I don't have
11 anything. The only thing I have is -- are the
12 P.D.F.s.

13 MR. MOORE: Yeah, that's right.
14 Amanda, who just came up on the screen is going to
15 share this.

16 THE REPORTER: I'm sorry. I thought
17 you said me.

18 MS. KURYLUK: All right. I'm -- I'm
19 going to -- can you guys hear me okay?

20 MR. MOORE: Yeah.

21 THE REPORTER: Uh-huh.

22 MS. KURYLUK: Okay. I'm going to play
23 it. If you can't hear it, let me know. Okay. I'm
24 going to share it.

25 MR. MOORE: Amanda, is it playing

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2 because I'm not hearing anything.

3 MS. KURYLUK: It is playing. I could
4 hear it here. Can you not hear it?

5 MR. MILLER: I don't hear anything
6 either.

7 MR. MOORE: Yeah, I don't hear
8 anything.

9 MS. KURYLUK: I'll pause it because I
10 can hear it -- I can hear it on my end. I can try it
11 again. See if we can get audio. It -- it says it's
12 -- you guys can see it but can't hear it, is that
13 what's going on?

14 MR. MOORE: We can see it but we can't
15 hear it.

16 MS. KURYLUK: Okay. It doesn't have
17 an audio in the beginning but it does at like --
18 start at -- when it starts at thirty-six seconds.
19 I'll try and see if I can figure out why it's not --
20 I can share the -- the audio. I have mine up all the
21 way. Let me try this again. You guys hear anything
22 now?

23 MR. MOORE: Nothing.

24 MR. MILLER: No.

25 MS. KURYLUK: Maybe I can email this

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2 with the link to the Court Reporter because I don't
3 know why it's not but I can hear it. You guys can
4 hear me, I'm not sure why there's no audio.

5 MR. MOORE: Okay. Is that something
6 we can do Annette?

7 THE REPORTER: To be honest, it's --
8 she has the same settings that I do. So I'm looking
9 through --.

10 MS. KURLUK: And it says I'm off mute
11 for the shared screen.

12 THE REPORTER: I'm just looking to see
13 if there's anything I need to --.

14 MS. KURLUK: Going through the
15 settings now.

16 MR. MOORE: We can go off the record
17 while this is --

18 (Off the record; 03:28 p.m. to 03:30
19 p.m.)

20 THE REPORTER: Okay. We are on the
21 record. And I'm sorry, what exhibit?

22 MR. MOORE: Back on the record.

23 BY MR. MOORE: (Cont'g.)

24 Q. Ms. Kestecher, have you ever
25 heard the recording that was posted on Twitter by the

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2 Frances Beal Society?

3 A. Yes, I have.

4 Q. Based on your recollection of
5 that recording -- since you've heard it before today,
6 do you know who made that recording?

7 A. From what I recall it was Faisal
8 Alam.

9 Q. Who made the recording?

10 A. Faisal, F-A-I-S-A-L. I believe
11 his last name was Alam, A-L-A-M.

12 Q. Who is Faisal?

13 A. You -- I don't know if he's a
14 student still at Binghamton. He was a student at the
15 time and he would show up to a few of the meetings
16 whether it be College Libertarians or maybe one
17 College Republicans meeting.

18 Q. Is that when this that was
19 recorded?

20 A. I don't remember if it was a
21 meeting or what it was. I just remember it was after
22 the event and we were just looking to decompress, and
23 joke around a bunch of us because most of us were
24 friends and we were all pretty stressed, so.

25 Q. What event?

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2 A. I believe, it was after both the
3 Art Laffer and the tabling event. Just a lot of
4 pressure and just looking for a way to joke around
5 with each other as we oftentimes did.

6 Q. Okay. Do you know whose voices
7 are in the recording? There's a female voice that's
8 you, correct?

9 A. Yes.

10 Q. Who were the -- there were
11 several male voices. Do you know who those people
12 are?

13 A. I -- I think Lizak was in it and
14 Restuccia. I don't know who else.

15 Q. Okay. Because the -- the
16 recording I've listened to refers to Lizak in the
17 third person. He was there?

18 A. I -- I don't remember. I'd have
19 to listen to the recording again.

20 Q. And we played the recording for
21 Mr. Restuccia and he claims he was not there and none
22 of the voices are his. Does that refresh your
23 recollection as to whether he was there?

24 A. I don't -- I don't remember. I'd
25 have to listen to it again.

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2 Q. Do you know other than Faisal and
3 you, who else might have been present?

4 A. No, just maybe some College
5 Republicans or Libertarians.

6 Q. Okay. Annette if we can put
7 Exhibit Thirty-eight up on the screen. This is
8 Exhibit Thirty-eight marked with today's date. At
9 the top of it is a -- appears to be a social media
10 post from the Frances Beal Society. Do you know what
11 the Frances Beal Society is?

12 A. From my knowledge, it's
13 essentially a group that's affiliated with College
14 Progressives. I don't know if they're two different.
15 I think they're presumably the same people in each
16 organization from what I was aware of during my time
17 at Binghamton.

18 Q. Okay. And then, scrolling down
19 to -- there's black portion. There is a -- appears
20 to be a social media exchange. If you can scroll
21 back up to the top a little more that starts right
22 there. Do you recognize those social media posts,
23 messages?

24 A. Yes, those are my text messages
25 to Faisal.

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2 Q. Okay. And these are just text
3 messages on the phone between you and Faisal?

4 A. Messenger or Facebook Messenger.

5 Q. Okay. So the first post you see
6 there, bet, and it's got numerous t's, bet they're
7 definitely going to shit their pants when they hear
8 about the lawsuit. That's from Faisal?

9 A. Yes.

10 Q. And what lawsuit is he -- lawsuit
11 is he referring to?

12 A. I don't know. I don't re -- I
13 don't remember at this point.

14 Q. Is it this lawsuit?

15 A. I don't -- I don't know -- I
16 don't know when this text message was written.

17 Q. Have you been involved in other
18 lawsuits involving the Binghamton University College
19 Republicans?

20 A. No, I have not. I don't think
21 there was any other lawsuit, so.

22 Q. Is it a fair presumption that
23 it's referring to this lawsuit then?

24 MR. MILLER: Objection calls for
25 speculation.

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2 MR. MOORE: Just following up.

3 BY MR. MOORE: (Cont'g.)

4 Q. If you're not involved in any
5 other lawsuits involving the College Republicans or
6 Binghamton University, is this referring to this
7 lawsuit? If you know.

8 A. I don't -- don't know. I don't
9 have the whole thread on this.

10 Q. Okay.

11 A. I'm picking -- picking parcels
12 out of it. I can't -- I can't say.

13 Q. You still had this thread on your
14 phone?

15 A. I don't think so. I have no
16 contact with him, so I deleted anything to do with
17 the kids. So that was that.

18 Q. Okay. Well, he wrote that
19 they're definitely going to shit their pants when
20 they hear about the lawsuit. Underneath that there's
21 a message that says, ha-ha, that's the goal and to
22 finally be able to get big speakers on campus. Is
23 that message from you?

24 A. Yes, I wrote that.

25 Q. What goal are you referring to?

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2 A. I don't know. I don't have --.

3 Q. Referring to the goal of getting

4 them to shit their pants when they hear about the

5 lawsuit. Is that the goal?

6 A. I don't know -- I don't know the

7 context of this message that I wrote and I usually

8 write in a hyperbolic fashion and half of my text

9 messages are usually joking around if not all of

10 them. So I don't know. People don't really take me

11 too seriously over text.

12 Q. Okay. Do you know who the they

13 are referred to in the preceding paragraph that you

14 responded to? They're definitely, who are they?

15 A. I -- I don't know.

16 Q. Okay. Scrolling down a little.

17 You say, and to finally get -- be able to get big

18 speakers on campus. Are you referring to the

19 Binghamton University campus?

20 A. But I broke this text message.

21 Presumably, I don't know what other campus I would be

22 talking about. I don't -- I don't know.

23 Q. Okay. The person you're texting

24 with responds no more shutting down events and being

25 crybabies, L.M.A.O., can't shut down events anymore

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2 L.O.L.L.

3 Who are we trying to bring on to
4 campus? So I can plan my calendar and get ready for
5 the chaos L.O.L. Did you receive that text from
6 Faisal?

7 A. I did.

8 Q. And you responded, O-O-F, we're
9 going to have to play it by year. I want Shapiro or
10 Crowder at some point in the next few years. Did you
11 write that?

12 A. I did write that.

13 Q. Who is Shapiro referred to in
14 this paragraph?

15 A. Refers to the conservative
16 commentator, Ben Shapiro.

17 Q. Okay. Did you or the College
18 Republicans make any effort to bring Ben Shapiro to
19 campus at B.U. at any time after this message was
20 sent?

21 A. Not from what I recall. I mean,
22 this is just hyperbolic text -- texting. I mean,
23 it's exaggerated. I -- once again, I text in a
24 joking manner. I write in exaggerated terms. I
25 always have and I always will. So that's that.

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2 Q. Who is Crowder, C-R-O-W-D-E-R?

3 Who does that refer to?

4 A. Likewise, another conservative
5 commentator, Steven Crowder.

6 Q. Did you or the Binghamton
7 University College Republicans make any effort to
8 bring Steven Crowder to campus at any time after this
9 message was sent?

10 A. No, in the case of both of these
11 speakers we never made during my duration I was
12 associated with the organization. There was no
13 attempt to bring on either.

14 Q. Okay.

15 MR. MOORE: Annette, did we have any
16 success being able to play that recording?

17 THE REPORTER: The only suggestion
18 that was given is if somebody wanted to call in and
19 like play it over their cell phone but that it's.
20 I'm -- I'm not sure why --.

21 MR. MOORE: Amanda, do you want to try
22 that?

23 MS. KURYLUK: I could try doing that.
24 Share my screen.

25 MR. MOORE: It was just a pop up from

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2 Matt Johnson that might give us some -- about that.
3 It says within the audio settings Amanda needs to
4 change noise removal to music mode and it should
5 work.

6 MS. KURYLUK: All right. Let me see
7 if I can do that. Let me share. All right. I just
8 switched this so let me see if this works. Can you
9 guys hear this?

10 MR. MILLER: No.

11 MR. MOORE: No.

12 MS. KURYLUK: I'll try again. I
13 switch to music mode, so let me see. Hold on. Can
14 you guys hear now?

15 MR. MOORE: No.

16 MS. KURYLUK: That's the music mode.
17 All right. Let's see what Matt's saying --

18 MR. JOHNSON: I think the audio is
19 just about to start. Just give it --.

20 MS. KURYLUK: Yeah. I mean, right
21 here it's supposed to start, so just give it a second
22 if you can hear -- are you guys hearing anything?

23 MR. MILLER: No.

24 MR. MOORE: No.

25 MS. KURYLUK: I can try calling in.

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2 All right. I'm going to try calling from my phone
3 and see if I can play through that.

4 MR. MOORE: Okay. This is the last
5 thing we'll try and if it doesn't work, we will stop
6 wasting everybody's time on this.

7 MS. KURYLUK: Okay. Let me know if
8 you're hearing anything. It's probably going to echo
9 now, so please, let me know.

10 MR. MOORE: Okay. I hear nothing, so
11 thanks.

12 MS. KURYLUK: Sorry.

13 MR. MOORE: Yeah. Let's move on.

14 Tom, do you have questions? That's all -- that's all
15 I have for now.

16 MR. SAITTA: Yeah, I've got a few.
17 I'll try not to repeat what you've already been over.

18 CROSS EXAMINATION

19 BY MR. SAITTA:

20 Q. Okay. Are you ready? Okay,
21 Lacey. And -- and if you've covered this already,
22 just let me know. Do you have any personal knowledge
23 of the College Republicans tabling and having a
24 tabling event in The Spine without getting a permit
25 to do so beforehand?

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2 A. I didn't deal with any of the
3 permit or anything with regards to that. I -- I
4 didn't deal -- I didn't deal with anything with
5 regards to permits.

6 Q. All right. So you wouldn't know
7 whether or not in the past the College Republicans
8 have tabled in The Spine without getting a permit?

9 A. No, I -- I have no knowledge with
10 anything in regards to that.

11 Q. How about other student
12 organizations tabling on The Spine without a permit?
13 Do you have any personal knowledge of that?

14 A. No, I didn't -- I didn't have any
15 dealings with tabling or with the S.A. in that
16 regard, reservations.

17 Q. Okay. I'll ask if you could put
18 up on the screen what I sent today as Kestecher
19 Exhibit One. This is a document that was provided in
20 discovery and I believe used in some of the -- well
21 not this document but it's -- a copy of it used in
22 prior depositions and it's the tabling policy.

23 And I'll ask you to scroll down to
24 where there's a picture of The Spine. Yeah, right
25 there. If you move up just a little. Okay.

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2 Beautiful. Okay. Lacey, do you see the picture, the
3 map that's up there?

4 A. Yes.

5 Q. Okay. And in terms of the
6 tabling event held shortly before the Laffer speech,
7 on that map, can you tell us whether or not you were
8 tabling in the areas marked either A, B, C, or D?

9 MR. MILLER: Annette, could you zoom
10 out just a little bit, please?

11 THE REPORTER: I can. If -- I'll need
12 to save these and then, open it again. So hold on
13 one second.

14 MR. MILLER: I think if you -- if you
15 scroll down just a little bit, I think the -- the map
16 will come into -- yeah.

17 MR. SAITTA: Yeah.

18 THE REPORTER: Is that good?

19 MR. MILLER: Yeah, I -- I think that -
20 - that will do.

21 BY MR. SAITTA: (Cont'g.)

22 Q. Okay. So I guess -- let me start
23 it this way, Lacey. Do you recognize the areas
24 labeled as A, B, C and D in that photograph?

25 A. I relatively do. It's been years

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2 since I've been on Binghamton's campus, however.

3 Q. All right. And would it be fair
4 to say those are all areas that are on The Spine, as
5 that term you used on campus?

6 A. Yes.

7 Q. Okay. And do you remember when
8 you were tabling for the Laffer event or the College
9 Republicans were tabling, were they tabling in the
10 area of A if you recall?

11 A. It was either -- I -- I can't
12 remember exactly. It was either A or C but we were
13 on -- yeah --.

14 Q. Any one of those.

15 A. One of those.

16 Q. Okay. And to your knowledge, are
17 those areas that you need a permit in order to table?

18 A. I don't -- I don't know anything
19 about permits. All I know is that it is public
20 property. And we were off to the side and not
21 intruding on anybody.

22 Q. Okay. So if -- if I understand
23 what you're saying you have no knowledge as to
24 whether or not a permit was required by the campus
25 policy to be obtained before tabling in areas A, B,

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2 C, or D, you just don't know?

3 A. I have no knowledge of anything
4 with regards to permits.

5 Q. Okay. So when there was a
6 statement that other groups have tabled there without
7 permits, is that anything you have any knowledge of?

8 A. I have no knowledge of anything
9 with regards to that.

10 Q. Now, you mentioned that during
11 the tabling event a -- a representative of the S.A.
12 had spoken to the Republicans. Do you recall that?

13 A. Came up to both of the tables. I
14 don't -- I don't know if it's directly Republican or
15 ours though.

16 Q. Okay. But did he address the
17 table that was being operated by the College
18 Republicans? Did he speak to those people as well as
19 Turning Point?

20 A. I don't -- I don't really recall
21 who he was directing it towards.

22 Q. Okay. And you recall -- I think
23 you testified that -- that person said that you
24 needed a permit to table and asked you to leave. Do
25 you recall that?

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2 A. Yes, I remember that was Khaleel
3 James, my memory.

4 Q. Okay. And did Mr. James say
5 anything about the consequences if you didn't leave
6 that there would be sanctions against the
7 organization?

8 A. What I recall -- I don't -- I
9 don't really remember. I just -- all I recall was
10 that he was the V.P. for multicultural groups, I
11 believe at that point. So I don't really know why he
12 was the one coming up to us because it didn't have
13 anything to do with anything in regards to
14 multicultural events, so.

15 Q. Okay. There was a -- he was
16 saying that there was a violation of the university's
17 policy. Did he indicate that it's something the S.A.
18 could sanction you for?

19 A. I -- I don't remember exactly
20 what he said. He was just --.

21 Q. Okay. Now, I'll ask you to look
22 at Exhibit Thirty, which I think was up before.

23 THE REPORTER: Is it one that John
24 had?

25 MR. SAITTA: Yes.

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2 THE REPORTER: Okay. Yeah. Let me
3 get it.

4 BY MR. SAITTA: (Cont'g.)

5 Q. Yes, Defendant's Exhibit Thirty.
6 All right. And this was the email you sent on July
7 10th to Ryan Yarosh?

8 A. Yes.

9 Q. Okay. Is there any -- why did
10 you send somebody from the administration a letter
11 rather than the S.A.?

12 A. I don't remember. I was just
13 trying to get an answer that was it.

14 Q. Okay. And -- and it indicates
15 that it says it doesn't appear to be chartered by
16 Binghamton University anymore. What was the basis of
17 your belief that the Republicans had been de-
18 chartered by the university?

19 A. I don't -- I don't remember.

20 Q. Okay. What is your understanding
21 of what chartering means in that context if you used
22 it?

23 A. I -- I can't speak to what I was
24 writing at the time. All I could say is that right
25 now I'm presuming. I meant, recognize but I don't

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2 know. I wrote this email about three years ago now,
3 so.

4 Q. If you know, did you understand
5 that there was a difference between de-chartering a
6 student organization and issuing of sanctions such as
7 suspension of a B There account?

8 A. To repeat, I don't know anything
9 with regards to how organizations are handled with
10 the S.A. I don't know anything about B There. I've
11 never even heard of it until today. So I don't know
12 anything in this regard.

13 Q. Okay. Would that have been true
14 at the time you sent that email that you didn't know
15 anything about the B There account?

16 A. Yes, I mean, if I don't know
17 anything about it now, I'm presuming that even back
18 then, never -- not from what I recall. I didn't
19 handle anything with the S.A.

20 Q. Okay. So then, would it be fair
21 to say that prior to sending this email to Mr.
22 Yarosh, you did not check with any S.A. official as
23 to why it appeared that the College Republicans were
24 de-chartered?

25 A. I -- I don't remember. I don't

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2 recall.

3 Q. Do you recall whether you spoke
4 to any other officers of the College Republicans to
5 see if they understood what was going on in this
6 aspect?

7 A. I -- I don't remember.

8 Q. Okay. Now, were you aware --
9 withdrawn. Prior to sending this email to the
10 administration, do you know whether or not the
11 College Republicans had re-certified for the coming
12 school year for the 2020, 2021 school year as an
13 organization?

14 A. I don't know. I didn't deal with
15 any of those matters.

16 Q. Okay. Do you know whether or not
17 the College Republicans were sent an email along with
18 various other student organizations in May of 2019
19 that they had not registered and they needed to do
20 so?

21 A. I don't recall. I didn't deal
22 with any of the matters, the email. I -- I never
23 even had ownership to that email or access to that,
24 so.

25 Q. Okay. In -- in -- in determining

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2 or -- withdrawn. In deciding to send this letter,
3 did you make any effort to determine whether or not
4 the failure to be on the B There page -- page was due
5 to the College Republicans failure to re-certify in
6 May of 2019?

7 A. I -- I don't recall. I just sent
8 -- I don't think it was much that was beyond this
9 email. It was -- I just wanted an answer from the
10 university why I didn't see it on the B Engaged page.
11 I didn't think much of it. I mean, that was really
12 the gist of it.

13 Q. Okay. If you didn't think much
14 of it, why did you go directly to the administration
15 rather than to the S.A.?

16 A. Because I just decided to do that
17 and I sent the email.

18 Q. But why did you just decided to
19 do that?

20 A. I was sending an email and that
21 was what I decided at the time, I can't. There's
22 really no way for me to go back and give you an
23 answer for that. That was just what I presumed was
24 the best way to go about getting an answer.

25 Q. Let me ask you this. You

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2 indicated that you weren't really involved in S.A.
3 matters. Why wouldn't you have asked the person at
4 the Republicans that dealt with S.A. matters to find
5 out why they were no longer on the B Engaged page?

6 A. My recollection, I don't -- I
7 don't know why I just sent this email because I
8 wanted an answer. Email's a form of communication.
9 So I figured why not just ask.

10 Q. Okay. But you didn't decide to
11 ask the S.A.?

12 A. I don't recall exactly what I was
13 doing with these emails. I mean, I sent this one but
14 --

15 Q. Did -- were you aware --
16 withdrawn. Let me go to Exhibit Thirty-five, if I
17 could. Defendant's Exhibit Thirty-five. Okay. And
18 if you can look at that for a moment. This is an
19 email that you sent?

20 A. Yes, I did send this.

21 MR. MILLER: Is -- is there a top
22 portion of that email?

23 BY MR. SAITTA: (Cont'g.)

24 Q. Yeah, I was going to say. There
25 we go. And you sent that to Brian Rose. And he is

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2 also in the administration?

3 A. Yes, he is.

4 Q. Okay. And you referenced a few
5 fellow conservatives have noticed a common theme
6 about not receiving emails from the Student
7 Association. Which fellow conservatives were you
8 referring to if you know?

9 A. I don't recall. I can't
10 remember. It's been well over two years.

11 Q. Okay. And in particular, what --
12 you are indicating that you didn't receive emails on
13 the S.A. line and also the B line list. Is that what
14 that says?

15 A. Yes.

16 MR. MILLER: Sorry, I don't think we
17 can see that on the -- on the screen right now.

18 MR. SAITTA: Oh really, I got it right
19 in front of me. It says, we found this out when we
20 did not receive their email. Sent out last night on
21 the S.A. line. And then, further on it says College
22 Republicans have been removed from the B line list.
23 Do you see that in your email?

24 MR. MILLER: I see that now. It was
25 scrolled up before.

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2 BY MR. SAITTA: (Cont'g.)

3 Q. Okay.

4 A. I see it, yes.

5 Q. So first -- okay. So what's the
6 S.A. line that you were referring to?

7 A. I -- I don't recall. I -- I'm
8 not really familiar with any of this in regards to
9 Binghamton. I left the uni -- I'm past the
10 university now. So I don't remember.

11 Q. Okay. So in -- in -- in terms of
12 the S.A. line, do you have an understanding of who
13 administers the S.A. line?

14 A. I -- I would not know. I don't
15 deal with any of them.

16 Q. Okay. And would that same be
17 true for the B-line list?

18 A. Yes. I don't -- I don't know
19 much of it. All I know is that I wasn't receiving
20 something, so that was that.

21 Q. Okay. Well, given that -- that
22 your -- your lack of working knowledge as to how
23 these lines operate. What was the basis for your
24 concern that the S.A. had purposely been removing
25 known conservatives from their email list?

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2 A. It was stated in the email that I
3 wrote at the time. A few of us, I don't recall who
4 else, hadn't received the emails and we thought that
5 was kind of strange.

6 Given the treatment that happened
7 after the event and everything else on the campus
8 that fall. So that was why I sent out the email.

9 Q. Was that also the basis of your
10 concern that S.A. had been purposely removing
11 conservatives from the list?

12 A. I can't speak to what I was
13 thinking at the time but going off of what I wrote,
14 presumably that was that.

15 Q. So is it fair to say that your
16 concern was merely an assumption that the S.A. had
17 actually been removing conservatives from the list?

18 A. I would say, if anything, it was
19 -- I can't go back and say per se, what I was
20 thinking, but it was a presumption that this could
21 have been a possibility given what transpired on the
22 campus.

23 Q. So you weren't sure if the S.A.
24 was actually removing known conservatives from their
25 email list, correct?

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2 MR. MILLER: Objection.

3 Mischaracterizing the witness's testimony. She

4 testified that she doesn't recall, yeah.

5 BY MR. SAITTA: (Cont'g.)

6 Q. Okay. Do you recall having any

7 information that made you believe it was the S.A.

8 that was removing names from the list?

9 A. I don't recall. All I recall is
10 writing this email because I wanted a response just
11 to see if there was anything they could give me
12 information on. There's not much besides that. It
13 wasn't really thought out much with this email. It
14 was -- I just wanted an answer to a question.

15 Q. Well, again, why go to Brian Rose
16 as opposed to the Student Association?

17 A. Presumably, even now as I write
18 emails, I take them up to who I think would be the
19 best person to respond back. At the time, I thought
20 it was Brian Rose, so.

21 Q. Okay. Why didn't you think the
22 S.A. was an appropriate person to put that question
23 to?

24 A. I don't recall. I figured
25 somebody in the administration could give me an

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2 answer and that would be more appropriate.

3 MR. MILLER: Tom, I believe that --
4 that John showed emails from Lacey to the Student
5 Association today.

6 MR. SAITTA: And I'm talking about
7 this particular complaint. It's not -- I know what
8 you're referring to. All right. Let me go back to -
9 -

10 MR. MILLER: But -- but you're -- but
11 you're saying that she never emailed the Student
12 Association and that's false based on what John
13 showed.

14 MR. SAITTA: But -- when I was
15 referring to this, I was referring to this particular
16 email in Exhibit Thirty-five.

17 MR. MILLER: Okay.

18 BY MR. SAITTA: (Cont'g.)

19 Q. All right. Well, let me ask you
20 this. It says the S.A. has not been responsive to my
21 emails regarding other club matters. What other club
22 matters had you raised with the S.A. by an email
23 prior to this email?

24 A. I don't recall. Once again, I
25 sent this email well over two years ago. I -- I

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2 don't recall.

3 Q. And -- and currently you have no
4 recollection of any issues that the S.A. was
5 nonresponsive to your emails?

6 A. I can't remember at this time.
7 It's -- it's been years.

8 Q. So you -- can you say one way or
9 the other whether or not the S.A. had been responsive
10 to your emails on other club matters?

11 A. I'm not going to make a
12 definitive statement on that. Simply, I don't
13 remember. That's all I can say.

14 Q. Now, were you aware that the same
15 day you sent your email on July 10th asking about why
16 you weren't being chartered or de-chartered that Kyle
17 Nelson had received an email from the S.A. and had
18 gotten an explanation. Do you recall that?

19 A. I -- I don't recall that. I
20 don't have access over Kyle's email. I wouldn't
21 know.

22 Q. Before you sent this email that's
23 Exhibit Thirty-five, did you attempt to check with
24 Kyle or any other officer in the College Republicans
25 as to whether they got a response as to the issues

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2 you raised?

3 A. I don't recall.

4 Q. Okay. Now, in response to one of
5 the questions that Mr. Moore had before. He asked
6 whether or not Mr. Rose had indicated that there were
7 Progressives involved. Do you recall that there was
8 a meeting you had?

9 Let me withdraw it. Do you recall
10 testifying about a meeting you had in which Brian
11 Rose said that he was aware that Progressives had
12 been involved in the tabling event in trying to
13 disrupt you?

14 A. I -- I don't recall. I don't
15 know. Well -- well, what are you referring to our --
16 when we spoke with Stenger and Rose?

17 Q. Right. That meeting you
18 testified to. And I thought you had testified -- you
19 can correct me if I'm wrong. I thought you testified
20 at that meeting, Rose had indicated that he knew
21 members of the Progressives were involved in
22 disrupting the Laffer tabling event. Do you recall
23 that?

24 A. I don't recall what he said but
25 there's an audio recording of it, so.

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2 Q. And -- so you don't recall him

3 saying if Rose explained how he knew there were

4 Progressives involved?

5 A. I -- I don't recall much of

6 anything from that meeting. It was three years ago

7 now. I -- I don't remember it.

8 Q. Okay. Do you recall whether or

9 not either at this meeting or any -- any other time

10 that Rose told you that he thought Progressives were

11 involved in disrupting the Laffer tabling event?

12 A. I -- I don't remember. I don't -

13 - I don't know.

14 Q. Okay. Do you ever remember Mr.

15 Brian Rose providing you a copy of the letter

16 purportedly written by the College Progressives

17 through encouraging people to disrupt the Laffer

18 tabling event or the Laffer event itself, either one?

19 A. I -- I don't recall. I don't --

20 I don't know.

21 Q. All right. And do you recall

22 whether or not you got any response from Mr. Rose to

23 your email that's Exhibit Thirty-five?

24 A. I -- I don't recall. These are

25 emails from three years ago for --.

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2 Q. I'm just asking what your
3 recollection is?

4 A. I -- I don't recall.

5 MR. MILLER: I believe John already
6 showed this and -- and a response from Rose. Maybe
7 you can -- do you want to pull that up?

8 MR. MOORE: We did -- we did actually
9 ask about this. She didn't remember whether Rose had
10 responded and then we showed her Rose's response. So
11 that's -- that's in the record.

12 MR. SAITTA: Okay. That's fine.
13 Those are all the questions I have.

14 MR. MOORE: I don't have anything
15 further. Thanks for your time.

16 MR. SAITTA: Okay.

17 MR. MILLER: Can -- can we -- sorry,
18 can we -- can we just take five minutes? I just want
19 to look through my notes and see if I have any -- any
20 redirect questions for Lacey.

21 MR. SAITTA: All right. I've got to
22 run real quickly to another video but I'll be right
23 back. So let me --.

24 (Off the record; 04:08 p.m. to 04:13
25 p.m.)

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2 THE REPORTER: We're on the record.

3 MR. MILLER: Okay. I -- I don't have

4 any further questions. No -- no redirect from me.

5 MR. MOORE: Okay. All right. Well, I

6 think we're done here. Thanks very much for your

7 time, ma'am.

8 (The deposition concluded at 4:13

9 p.m.)

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2 STATE OF)
COUNTY OF)

3

4 I, LACEY KESTECHER, have read the foregoing
5 record of my testimony taken at the time and place noted
6 in the heading hereof and do hereby acknowledge:

7 (Please check one)

8 () That it is a true and correct transcript of
9 same.

10 () With the exceptions noted in the attached
11 errata sheet, it is a true and correct transcript of same.

12

X

LACEY KESTECHER

13

14 Sworn to before me this
15 _____ day of _____, 2023.

16 X
17 _____
18 NOTARY PUBLIC
19 My Commission Expires:

20 _____

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2 I, ANNETTE LAINSON, do hereby certify that the
3 foregoing testimony of LACEY KESTECHEER was taken by me, in
4 the cause, at the time and place, and in the presence of
5 counsel, as stated in the caption hereto, at Page 1
6 hereof; that before giving testimony said witness was duly
7 sworn to testify the truth, the whole truth and nothing
8 but the truth; that the foregoing typewritten
9 transcription, consisting of pages number 1 to 219,
10 inclusive, is a true record prepared by me and completed
11 by Associated Reporters Int'l., Inc. from materials
12 provided by me.

13

14 ANNETTE LAINSON, Reporter

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2 ASSOCIATED REPORTERS INTERNATIONAL, INC.
3 (800) 523-7887

4 Date:

5 Case Name: Young America's, et al v Stenger, et al
6 Index Number: 20-CV-822 (LEK/ML)

7 Deponent: Lacey Kestecher

8 Deposition Date: 2/13/2023

9 Examining Attorney: John Moore, A.A.G.

10 Dear Lacey Kestecher:

11 Please read and make any changes and/or corrections in
12 your testimony and sign the transcript in the presence of

13 a notary public. Please do so within thirty (30) days.
14 If you fail to sign the transcript within thirty (30)
15 days, it will be delivered to the appropriate parties
16 without signature. Return the transcript with
17 corrections, if any, to:

18 OFFICE OF THE NEW YORK STATE ATTORNEY GENERAL
19 BY: JOHN MOORE, A.A.G.
20 AMANDA KURLYUK, A.A.G.
21 The Capitol
22 Albany, New York 12224

23 CORRECTIONS:

24 _____ Word or phrase: _____

25 _____ Corrected to: _____

_____ Word or phrase: _____

_____ Corrected to: _____

_____ Word or phrase: _____

_____ Corrected to: _____

_____ Word or phrase: _____

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2 LACEY KESTECHEER

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STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES
ATTORNEY GENERAL

DIVISION OF STATE COUNSEL
LITIGATION BUREAU

Writer Direct: (518) 776-2293

March 6, 2023

Steve Miller, Esq.
King & Spalding, L.L.P.
1185 Avenue of the Americas
New York, New York 10036

Re: *Young America's Foundation, et al v. Stenger, Harvey, et al.*
Northern District of New York
20-CV-0822 (LEK)(ML)

Dear Mr. Miller:

Enclosed please find the original deposition transcript of Lacey Kestecher. Please ask the witness review the transcript for accuracy, correct any errors on the accompanying Errata Sheet, sign the accompanying acknowledgment before a notary, and **return the original deposition transcript with signed Errata Sheet and Acknowledgment to this office within 30 days**. Please be advised that if you fail to return the original errata sheet and acknowledgment to me signed, I will assume there are no errors and will ask the Court to deem it signed.

Very truly yours,

s/ John F. Moore

John F. Moore
Assistant Attorney General

Enclosure

WHAT TO DO WITH YOUR DEPOSITION TRANSCRIPT

1. The transcript is supposed to be an exact record of the questions you were asked at your deposition and the answers you gave.
2. The purpose of having you review the transcript is to make sure that the court reporter did not make any mistakes taking down your testimony, and to give you a chance to correct any mistakes you made in giving the testimony.
3. You should read the transcript carefully.
4. Make a list of any errors you find. Use the errata sheet in the transcript, and create and use additional (similar) sheets as necessary. The list should give the page, line number, error, and correction. Example:

PAGE:LINE:	CHANGE FROM:	CHANGE TO:
Page 5 Line 10	"Pittsburgh"	"Plattsburgh"

5. If on rereading the transcript you realize that you made a mistake in your testimony, this is your chance to correct it in the manner described above.
6. The list does not need to be typed.
7. You **SHOULD NOT** mark corrections on the transcript itself.
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9. After you have made a complete list of any corrections you think are needed, you must **SIGN AND DATE BOTH THE TRANSCRIPT** (the signature page is at the end) **AND THE CORRECTION SHEET**, if any, in front of a **NOTARY PUBLIC**.
10. Mail the transcript and the correction sheet back to me.

Please remember to call with any questions or concerns: (518) 776-2293

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

BINGHAMTON UNIVERSITY COLLEGE
REPUBLICANS, JOHN LIZAK, YOUNG AMERICA'S
FOUNDATION,

Plaintiffs,

Index No. 20-CV-0822

LEK/ML

-against-

BRIAN ROSE, JOHN PELLETIER, COLLEGE
PROGRESSIVES, PROGRESSIVE LEADERS OF
TOMORROW, STUDENT ASSOCIATION OF
BINGHAMTON UNIVERSITY, HARVEY G.
STENGER,

Defendants.

CORRECTION SHEET: DEPOSITION OF LACEY KESTECHER

PAGE/LINE CHANGE FROM

CHANGE TO

Sworn to before me this day of , 2023

Notary Public

Notary Public